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1 Wednesday, 13 May 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Prlic and Coric not present]

5 [The witness takes the stand]

6 --- Upon commencing at 9.03 a.m.

7 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, could you please  
8 call the case.

9 THE REGISTRAR: Good morning, Your Honours. Good morning,  
10 everyone in and around the courtroom.

11 This is case number IT-04-74-T, the Prosecutor versus Prlic  
12 et al.

13 Thank you, Your Honours.

14 JUDGE ANTONETTI: [Interpretation] Thank you, Registrar.

15 This is Wednesday, May 13th, 2009, and I would like to welcome  
16 Mr. Pusic, Mr. Petkovic, and Mr. Stojic. I also greet Mr. Praljak this  
17 morning, and I of course would not forget our counsels, Mr. Stringer and  
18 all his associates, as well as the people helping us.

19 I'd like to tell Mr. Kovacic that up until now he has used up  
20 12 hours, and that's one-third of the time allocated for Mr. Praljak's  
21 examination-in-chief.

22 WITNESS: Slobodan Praljak [Resumed]

23 [The witness answered through interpreter]

24 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, I have two  
25 follow-up questions that I thought about during the night, and it's

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1 important for me I believe to think about it.

2 The first one, you told us yesterday, as regards Mr. Tudjman's  
3 speech before the Croatian officers, if I'm not mistaken, I believe that  
4 your case is that the officers in the Croatian Army - and I'm talking  
5 about the Croatian Army now, not the HVO - I think that your case is that  
6 these were officers who had joined the Croatian Army without any  
7 political commitment whatsoever. And as an officer in the Croatian Army,  
8 you were not supposed to talk about your political opinions. We know,  
9 because you told us that; we know that you were the general secretary of  
10 a small political party for a while. But this is my question: When you  
11 actually joined the Croatian Army, did you put aside your political  
12 opinions that you may have had at the time, and in the framework of your  
13 military career and mission you were only executing the orders received  
14 from Tudjman through the Ministry of Defence, without taking your  
15 political opinions into consideration?

16 THE WITNESS: [Interpretation] Good morning, Your Honours. Good  
17 morning to everyone in the courtroom.

18 That's not how it was in its entirety. A good part of the  
19 officers and some of the key persons were listed yesterday who had come  
20 in from the ranks of the JNA, joined because of their political

21 judgement, but now I would like to draw a distinction between politics in  
22 a well-ordered state, where you deal with taxes and things like that. I  
23 always refer to this as a pre-political era. It's actually morality as  
24 politics. So these people came in for political reasons, so to speak,  
25 because they no longer wanted to be in the ranks of the Yugoslav People's

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1 army that began serving the interests of a policy advocating Greater  
2 Serbia. So this is, conditionally speaking, political conviction,  
3 although I would like to use a different term for that.

4 I was a secretary general of a party that was not really all that  
5 small. It was the third-largest party in Croatia. And again, as all the  
6 other parties at the time, we're not talking about politics as the term  
7 is understood today. All the statutes and all the platforms of all the  
8 parties in Croatia were alike, like peas in a pod. They all wanted a  
9 peaceful solution to the Yugoslav crisis. They all advocated democracy,  
10 free elections, a free market economy. So these are the basic tenets  
11 which at one point, once the state is in place, would make political life  
12 possible. And in this sense, when I was involved in politics before,  
13 this had nothing to do, and my desire to get involved in politics, when  
14 you use the term "politics," what you mean, when you use the term.

15 Thirdly, a large number of people who joined the Croatian Army  
16 joined for political reasons, conditionally speaking, but we're not again  
17 talking about politics in the usual sense of the term. It was their  
18 moral obligation to defend yourself if you're under attack, the moral

19 obligation. If politics is actually striving for democracy, for  
20 free-market economy, then, yes, it's politics.

21 However, in the Croatian Army, political debates were banned, and  
22 Croatian soldiers and officers were not allowed to attend political  
23 rallies or any other kinds of demonstrations in uniform. As soldiers,  
24 they were not allowed to be involved in politics. They were supposed to  
25 pursue the Croatian state policy, the conclusions of the Parliament, the

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1 government or the president. That's what they were supposed to follow.  
2 And then if somebody wanted to be politically active because there were  
3 elections and so on, they were free to do so, we followed the German  
4 model which says a soldier is a civilian in uniform, and once they take  
5 off their uniform, they can participate in the political life. But if  
6 they are nominated or elected to a position, they have to leave the army.

7 And once again please bear in mind that this term "politics"  
8 should not be understood in the same way that it should as it is  
9 understood today in France, USA, and so on. It was simply --

10 JUDGE ANTONETTI: [Interpretation] Very well. Thank you for this.

11 A second question, it's a technical question, but I believe it's  
12 important. Yesterday, you showed us a number of documents dealing with  
13 Mr. Tudjman and Croatian politics, and trying to establish that as  
14 regards the JCE, Mr. Tudjman had no desire whatsoever to annex any part  
15 of Bosnia-Herzegovina. Very well. You showed us a number of documents  
16 to this end. Given this, I wonder the following, as far as global

17 control is concerned.

18 I'm sure you read all judgements rendered by this Tribunal,  
19 Blaskic, Kordic, Aleksovski and others - I'm not going to mention them  
20 all - Tadic also, but I'm sure that your counsel and yourself looked at  
21 this, looked into this. And you know that as far as Croatia and the HVO  
22 are concerned, a number of judgements were rendered already. In Blaskic,  
23 for example, the Trial Chamber recognised the existence of global  
24 control. I'm sure you also know that in the Aleksovski case, the  
25 majority of Judges did not rule on the existence of a global control of

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1 Croatia over the HVO. The Appeals Chamber denied this, however, basing  
2 itself on the interpretation of the Tadic appeals judgement. In this  
3 interpretation, global control must be assessed according to a number of  
4 parameters, and the fact that a state would supply weapons, provide  
5 training, and give money is not sufficient. The state must also play a  
6 role in the military operations conducted by an armed group or a fighting  
7 unit in the other state. Therefore, there needs to be a role played,  
8 which is not like the majority of Judges had thought in the Aleksovski  
9 case. Giving a specific instruction is not sufficient; it also needs to  
10 play a role.

11 So my question -- you see, my questions are becoming increasingly  
12 specific, and here's my question: When you were heading the HVO from  
13 July to November - you see it's a very specific period of time, my  
14 question deals with this very specific period of time from July to

15 November - I would like to know whether at that time, as far as you know,  
16 in the framework of the military operation that you personally led, since  
17 you were in charge of the military operations as commander of the HVO,  
18 I'd like to know whether, as far as you know, at that time you felt that,  
19 as far as your command was concerned, or maybe as far as the instructions  
20 you were obtaining from Mr. Boban, who, let me remind everyone, at the  
21 time was the commander of the HVO army, I mean he was the supreme leader  
22 of this, did you feel at the time that the Republic of Croatia actually  
23 played a role in the military operations that you led?

24 THE WITNESS: [Interpretation] Never, Your Honour. Not even Boban  
25 told me anything at any point. At the time when I was the commander,

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1 I think that I met with Mr. Boban only briefly on two occasions. I came  
2 when Bugojno had already fallen and when the Muslim BH army offensive had  
3 been launched, and that lasted up until the intensity was reduced a little  
4 bit by mid-October and there was this line from Uskoplje, Donji Vakuf,  
5 down to Mostar. During that time, I never saw, I never spoke, I never met  
6 with Mr. Franjo Tudjman, and I think that I saw Gojko Susak only on one  
7 occasion, I think. But I think we only saw each other. It was, I think,  
8 the 1st of August, five or six days after I had arrived, when all my  
9 lines were broken in Uskoplje, when the troops and the people started  
10 pulling out. And automatically this meant that Rama might fall and  
11 there was the threat of a general collapse, and I managed to restore the  
12 lines. I saw Gojko Susak on that occasion because he had been visiting

13 with his mother, who lived near Siroki Brijeg. We met very briefly. I  
14 told him that we managed to restore the lines, and he never influenced in  
15 any way, he never said anything during my tenure in command.

16 I was a commander who made military decisions, and those military  
17 decisions mostly had to do with how to defend ourselves. And this went  
18 on day by day, night by night. That's how it is in the war. I think  
19 that everybody knows that. Constant fighting on long lines. I would  
20 lose some positions. I would then recapture them. When I say "I," I  
21 mean "we."

22 And so I never discussed that with Mate Boban. Well, I didn't  
23 have anything to discuss with him. We had to defend ourselves. I never  
24 spoke to Franjo Tudjman. And I think that I only met and spoke with  
25 Gojko Susak that day when he came to visit his mother.

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1 If you allow me, I will recount an event to show you what it  
2 was -- what it looked like. Here, near Neum [indicates] - well, it's  
3 difficult to see - Bosnia and Herzegovina has its exit onto the sea, and  
4 we had lines here from Stolac to Neum [indicates]. However, the roads  
5 here are either nonexistent or are in a very bad shape. So in order to  
6 defend this Neum area here, we had to rotate our units in such a way that  
7 we had to go to Metkovic. Well, it's very difficult to see. We had to  
8 drive them to Neum from Metkovic and then take them to their positions.  
9 And when a shift was being relieved, the Croatian police in Metkovic  
10 said, pursuant to the complaints that Croatia was taking part in that,

11 that they would no longer let the troops of the other state pass, and  
12 they made them go back from the border.

13 Now, I, of course, asked the military police to put the police on  
14 the BH border in Neum, and then the Croatian Army that was supposed to  
15 relieve positions in Dubrovnik came to the border, and the military  
16 police officers from the HVO said, No. Then I got a phone call, not from  
17 the military part but from Interior Minister Mr. Jaganac [phoen], and he  
18 asked me, Well, why won't you let us pass through to Dubrovnik? And I  
19 said, well, why don't you want to let us pass through Neum? We are a  
20 state, we have our own borders, and you will not pass.

21 This tells you how complicated the relationship was. Of course,  
22 then he wanted us to make some arrangements, and then I said, Okay, I'll  
23 let you pass through Dubrovnik, because they had no other way. They had  
24 to pass through the territory of Bosnia-Herzegovina. But I also told  
25 him, You have to let my army, the army under my command, pass through the

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1 border here at Metkovic to get to Neum [indicates], because I have no  
2 other way to get to those positions, because there were no roads, and  
3 Serbs held this area here [indicates]. So I quarrelled and I argued that  
4 because Croatia was being defended here, that they should take up the  
5 defence of this part of the territory so that the Croatian Defence  
6 Council should not be defending Croatia from those positions.

7 At one point, they agreed to it, and then we let the Croatian  
8 Army hold the positions here because it was defending Croatian territory.



9 But the international community, and I know that it was actually the  
10 Americans, said that Croatian Army troops could not be on the territory  
11 of Bosnia-Herzegovina, so we had to pull them out.

12 I still don't understand why I was supposed to be defending  
13 Metkovic and all the other areas, because there was nothing else to be  
14 defended there. It was no -- there was no point for those units to be  
15 defending Neum here.

16 So it was a complex situation, a complicated border-line, and it  
17 was not the idea that it was another state intervening in this state, but  
18 it was just that the Croatian Army had to defend its positions here in  
19 the south, and that's what they had to do.

20 At one point, they agreed, and then under American pressure,  
21 I think, they bowed to this pressure, and I think there was a UN Security  
22 Council resolution about the Croatian Army pulling back from the BH  
23 borders. I think that it had to do with this, If you don't allow me to  
24 get my troops to here through Metkovic, then I won't let you get your  
25 troops through this area here to your positions. And tensions ran really

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1 high.

2 JUDGE ANTONETTI: [Interpretation] Very well.

3 JUDGE TRECHSEL: Mr. Praljak -- excuse me, Mr. Kovacic. This  
4 refers exactly to what Mr. Praljak has recently said. And maybe there is  
5 an error in translation. I'm referring to page 8, line 6, and the  
6 following. It starts by you saying:

7 "At one point they agreed to it, and then we let the Croatian  
8 Army hold the positions here, because it was defending Croatian  
9 territory."

10 Then you speak of reactions of the international community, and  
11 the conclusion is: "So we had to pull them out," which can only refer to  
12 the Croatian troops.

13 Now, it seems that in the first part of the paragraph, you  
14 identify with Herceg-Bosna and the HVO, and in the last part you identify  
15 with Croatia. I wonder how this is to be explained. I'm sure you have  
16 an explanation.

17 THE WITNESS: [Interpretation] There's a mistake in using the  
18 pronouns "we," "they." It may be an interpretation, whatever.

19 The HVO had very few soldiers, that was the point, so we, the  
20 HVO, that is, asked that this area here from Stolac [indicates] -- to the  
21 right is where we were. There's Stolac [indicates]. So we were up until  
22 this area here [indicates], and then we asked the Croatian Army defend  
23 this portion of Croatia [indicates], and to the right of Stolac, since  
24 Metkovic, which was in Croatia, was being attacked, that it should be  
25 taken over by the Croatian Army. At one point in time, they agreed to do

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1 that, and small units of the HVO, TG-2, Tactical Group 2, that is,  
2 withdrew, and the Croatian army came in to relieve them.

3 Then there were complaints and objections, as far as I know, from  
4 the Americans that the Croatian Army was on the territory of

5 Bosnia-Herzegovina and that this was in violation of some law or  
6 convention or whatever. And then the situation returned to what it had  
7 been previously. The Croatian Army withdrew, and we once again took up  
8 this position here [indicates], in fact, defending the borders of  
9 Croatia.

10 Now, I spoke about a misunderstanding in that respect, that once  
11 again they, that is to say, the Croatian Army, under pressure probably,  
12 at one point banned us from going through Metkovic and bringing our  
13 troops in to defend this area here around Neum [indicates], because you  
14 couldn't reach this area by any other route. Then I banned the Croatian  
15 Army from crossing over into Dubrovnik across Bosnian and Herzegovinian  
16 territory. And then there was this whole dispute, and we agreed to let  
17 them through and they would let us through, because how else could you  
18 defend that area? There were no planes. You couldn't take the sea  
19 route.

20 So that was a classical situation and the kind of problems that  
21 cropped up. But there was a dispute over this, and as far as I know, and  
22 I think my information is very correct, although maybe not 100 percent,  
23 that the existence of this area here [indicates] caused the existence of  
24 the Croatian Army, which at one time took over this line to the right of  
25 Stolac and TG-2, led to the resolution being passed to the effect that

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1 the Croatian Army was on the territory of Bosnia-Herzegovina, although  
2 it was unable to defend its own territory of this narrow space around

3 the south here in any other way from the mouth of the River Neretva  
4 from that whole area there.

5 JUDGE TRECHSEL: Thank you.

6 MR. STRINGER: Could I ask the general to specify the time-frame  
7 of this dispute that he's described with the Croatian Army?

8 THE WITNESS: [Interpretation] Well, Petkovic. You know dates  
9 better than me. You know, sometimes dates are a little bit fuzzy. Well,  
10 I can't know everything. There was so many events, so many events, lots  
11 and lots of them, that I might be wrong in giving a date. I don't really  
12 think dates are that important in all that general chaos.

13 MR. KOVACIC: [Interpretation] well, could you start off by  
14 telling us the year? You must know the year, General.

15 JUDGE ANTONETTI: [Interpretation] What year was it? 1993,  
16 between July and November? It was between July and November, 1993.

17 THE WITNESS: [Interpretation] No, no, Petkovic. I don't  
18 really -- I don't know. Don't make me say it. I know the problem, I  
19 know the telephones, the conversations, the events, but everything has  
20 become mixed up. Sometimes I don't what happened from one year to the  
21 next, so why do you want me say something that I'm not sure of? I'll  
22 make a mistake.

23 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, regarding all  
24 this, you said that the Americans did not want the Croatian Army to enter  
25 into Bosnia-Herzegovina. The a few days ago, you told us that the 6th

1 Fleet, the US 6th Fleet, was around, so I believe that through their  
2 monitoring system, they noted and they found out that the Croatian Army  
3 had actually entered into Bosnia and Herzegovina, which is why they  
4 actually stepped in or intervened. Do you agree with this, yes or no?

5 THE WITNESS: [Interpretation] No. The American officers -- well,  
6 the military attache and his assistant had an absolute right to go to any  
7 part of the territory in the theatre of war, and I took them, for  
8 example, in 1992, when they were researching into whether the factory of  
9 the Yugoslav People's Army in Bijelo Polje by Mostar could have produced  
10 noxious matter, and they were there with some experts and a Croatian Army  
11 general who used to be a general and partisan -- he was a general of the  
12 JNA who had retired and then was reactivated. Binenfeld was one of  
13 those. And then they were very interested in seeing whether or not, in  
14 that factory in Bijelo Polje - I don't know what iterate or some  
15 poisonous noxious matter could have been produced - and they took  
16 examples, and they visited me in Uskoplje, and they went wherever they  
17 wanted to, whenever they wanted to. They didn't need the US 6th Fleet.  
18 And I know that there was some carriers and something controlling the  
19 entry of ships. But they didn't need the fleet, because all the military  
20 attaches could move around Croatia however they wanted to, together with  
21 the US monitors -- UN monitors and UNPROFOR and all the rest of it,  
22 except when there was fighting going on, and then we'd tell them, Don't  
23 go, because we can't guarantee your safety. Something might happen to  
24 you, and then we'll be blamed for that. So those were the only days  
25 when -- it was only when there was fierce fighting going on that, for

1 their own safety, we asked them not to move around.

2 So I claim, I state, Your Honours, as somebody who granted  
3 permission, that anybody, any journalist, any European Observer or  
4 Monitor, all the military attaches could move around freely in  
5 Herzegovina and Bosnia, up to Uskoplje while they were there, whenever  
6 they wanted to and however much they wanted to, and they had all the  
7 information provided.

8 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, please proceed.

9 MR. KOVACIC: [Interpretation] Thank you, Your Honour. Good  
10 afternoon to everybody -- good morning to everybody.

11 Examination by Mr. Kovacic: [Continued]

12 Q. [Interpretation] Now, General, with respect to the first two  
13 questions that Judge Antonetti asked you, I have a follow-up question  
14 which wasn't fully clarified.

15 To go back to Judge Antonetti's first question, you didn't  
16 expressly and specifically answer and say whether you, in formal terms,  
17 in real terms, ceased to be a member of the HDS before you joined the  
18 ministry or, rather, the Croatian Army.

19 A. Yes. In the spring of 1991, I stepped down from the Croatian  
20 Democratic Party.

21 Q. Thank you. Now to go back to Judge Antonetti's second question.

22 When you were discussing relations with the Croatian Army and the  
23 HVO commander - which is what you were - so while you were HVO commander

24 from July to November, did you ever talk or meet a commander of the  
25 Main Staff of the HV, General Stipetic?

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1 A. No, Stipetic wasn't the chief of the Main Staff.

2 Q. Well, I might have got the name wrong, but with the chief of the  
3 Main Staff of the HV?

4 A. Never.

5 Q. Had you had any military cooperation in the field, by the very  
6 nature of your business, would you have had to have met and had contacts  
7 with the chief of the Main Staff of the HV?

8 A. Yes, that would have been very necessary.

9 Q. Thank you. And perhaps I can help out -- help Your Honours out  
10 with respect to the explanations that Mr. Praljak spoke about, the  
11 complicated situation around the border around Metkovic. The 3D03544 map  
12 that we provided you with, which was the A-3 laminated version, it's a  
13 map of Bosnia-Herzegovina, if you look at it carefully, and I think that  
14 you already know this, there's a part over there -- a part of the coast  
15 which is the territory of Bosnia-Herzegovina. So Croatia hasn't got a  
16 continuous coastline, continuous territory along the coast, so that, for  
17 example, you could go from -- if you went from Split to Dubrovnik, taking  
18 the road -- the coastal road which is parallel to the coastline, you have  
19 to pass through several miles - I think it's nine miles or whatever - you  
20 have to pass through the territory of Bosnia-Herzegovina?

21 A. Yes.

22 MR. KOVACIC: So if you know this, then the situation is quite  
23 clear, the detail that the general spoke about, that at one point in  
24 time, for the Croatian Army to move towards Dubrovnik, the HVO placed  
25 itself at the border with Bosnia-Herzegovina and said, No, to the

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1 Croatian Army, you can't pass this way. You can't take this route.

2 Well, that is just by way of explaining the map to you, if it is  
3 of any assistance.

4 JUDGE ANTONETTI: [Interpretation] I understood very well. So  
5 territorially speaking, there's no continuity; Croatia is cut off at some  
6 point.

7 MR. KOVACIC: [Interpretation] Thank you.

8 Q. Now, General --

9 MS. ALABURIC: [Interpretation] Your Honour, just another  
10 explanation.

11 Croatia wasn't cut off at that point in time. Croatia is cut off  
12 in the same way today. Bosnia-Herzegovina always had an outlet to the  
13 sea at Neum, and which means that Croatia -- there was always a gap in  
14 Croatia along that area, along that portion of the coast.

15 THE WITNESS: [Interpretation] Well, yes, it's the state border.  
16 In simple terms, it's the state border.

17 MR. KOVACIC: [Interpretation] Yes, but it existed during the  
18 Socialist Federal Republic of Yugoslavia and during these critical years,  
19 and the situation is the same today. It was never touched, nor did any



20 side challenge that. Thank you.

21 Q. General, yesterday we reached 3D01998.

22 A. No, no, no. We hadn't finished dealing with 996, Mr. Kovacic.

23 Q. All right. Go ahead.

24 A. No, I hadn't finished with Franjo Tudjman's speech with the

25 establishment of the Upper House of the Croatian Parliament. I was

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1 dealing with page 6 of Hrvatski Vojnik. I hadn't finished discussing  
2 that article.

3 Q. That's 3D31-0028, and in English it is 3D40-0805. Go ahead,  
4 General, please.

5 A. I think I finished saying what I wanted to, where Dr. Tudjman  
6 said that the Serbs would be guaranteed all civil rights and the right to  
7 local self-government according to the highest European standards and  
8 standards of the developing world, and that would be enshrined in the  
9 law. And here he talks about Croatia and the war in Bosnia and  
10 Herzegovina. And he says that the causes of the war in Bosnia and  
11 Herzegovina are quite clear; it's clear why they came about. And he says  
12 that Croatia -- that it's vitally important to Croatia for the war to end  
13 as soon as possible so that a political solution to the Bosnian and  
14 Herzegovinian crisis can be found, and that Croatia must remain vitally  
15 interested in resolving this problem. So we're not denying that Croatia  
16 is desirous of this. And then says why; because of the geo-political  
17 strategical links and interdependence between Croatia and

18 Bosnia-Herzegovina. And then, B, because of the considerable portion of  
19 Croats living in Bosnia-Herzegovina, the number of inhabitants who have  
20 been there for centuries, for ages, and that it was a nation enjoying  
21 statehood. And, C, because of the effects of the war in  
22 Bosnia-Herzegovina on the whole economy and the political circumstances  
23 in Croatia to such an extent that normalisation with respect to  
24 critical positions in the country could not be achieved until the Bosnian  
25 crisis is solved, which is of course logical, because without a solution

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1 in -- to the situation in Bosnia-Herzegovina, you can't resolve the UNPA  
2 zones because it's one army, one state, one battleground. And I, myself,  
3 was surprised by this pressure exerted by the Americans, that they wanted  
4 to -- well, I'd understand it if they wanted to divide it up, but had  
5 they positioned the army along our borders and then have someone solve  
6 the Bosnia-Herzegovina question. But the Serbs had taken all this  
7 [indicates], taken control of all these areas. And I didn't really  
8 understand how we were supposed to forget this fact. It was a political  
9 and military option. And, of course, the president knew exactly that  
10 unless you resolve the problem in Bosnia-Herzegovina, you couldn't  
11 resolve anything else. And that's what ultimately happened. It was only  
12 with the subsequent operations that took place with the international  
13 community's -- with Operation Storm, Flash and Storm, that the problem  
14 with Croatia was solved, the problem with the south was solved, and the  
15 problem of Bosnia-Herzegovina was solved, as it was solved.

16           It goes on to say that the world, unfortunately, was not  
17 completely aware of the fact that in Bosnia and Herzegovina, all the  
18 problems that had been present in the former Yugoslavia had come to a  
19 head.  
20 Further on, he says that the time has come for the terrible war to stop,  
21 and he goes on saying what problems might arise if the war continues,  
22 because the Mujahedin has appeared. There are a lot of volunteers on the  
23 Serbian side from Greece, Eastern Orthodox Christians from Ukraine, from  
24 Moscow, and he says that the war could soon go beyond the regional borders.  
25           And then he speaks about the anti-fascist movement in Croatia for

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1 a simple reason. The reason being that for 30 or 40 years, propaganda  
2 messages had been coming from Belgrade and had been slowly accepted by  
3 the world. At the end of the day, Franjo Tudjman was also an Ustasha, he  
4 who had been a partisan from 4 years and a Yugoslav general until the 1960s.  
5 Bobetko too, who had been a partisan and a general between 1941 and 1945.  
6 I was an Ustasha. We were all Ustasha. And there were decades of lies  
7 that spread like propaganda, causing the feeling of nausea in all of us.  
8 We had to fight against those lies, although we were absolutely innocent.

9           JUDGE TRECHSEL: Just for the record -- excuse me, Mr. Kovacic.  
10 The page was indicated as the final three letters "805," but it must,  
11 I think, be 895.

12           MR. KOVACIC: [Interpretation] 805, Your Honour. In English, in  
13 e-court, the last three digits are 805, and the page was also on the

14 screen while it was being discussed.

15 Q. General, I believe that yesterday you made a reference to the  
16 fact that the military prosecutor in Croatia was a Muslim,  
17 Colonel Baksic. Could you please --

18 THE INTERPRETER: There's too much noise in the courtroom. The  
19 interpreter did not hear the last part of what Mr. Kovacic said.

20 MR. STRINGER: The last couple of exchanges between Mr. Kovacic  
21 and the general have not be picked up by the English translation booth.  
22 They're saying there's too much background noise.

23 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, when you turn over  
24 the pages, try to be more silent, because it gives a lot of background  
25 noise to the booths.

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1 MR. KOVACIC: [Interpretation] Very well. Just for my learned  
2 friend's information, I just asked General Praljak whether he wanted to  
3 continue talking about the military prosecutor, Colonel Baksic, which  
4 would be in the following article, and he was mentioned yesterday only in  
5 passing. The general said, No, and we are skipping that part.

6 Q. General, you said -- you said that -- we can also skip 3D1998.

7 A. I don't know, maybe we should show two things.

8 Q. Then go on.

9 A. The first one is the Easter greetings to the supreme commander.  
10 Can you please produce what I wrote on the 27th of March to the HVO in  
11 Usora?

12 Q. This one has been translated, and in Croatian e-court, it is  
13 40892, and its translation -- I apologise. It is 3D40-892 in English,  
14 and in Croatian it is 3D31-0038.

15 Go on, General. You have the floor.

16 A. Usora, of course, is in Central Bosnia. I can't find it on the  
17 map at the moment. However, and for their own reasons, which I don't  
18 want to address, they wrote to Dr. Tudjman to inform him that they had  
19 broken off the Czech [as interpreted] offensive. They write that they  
20 had fired 20.000 different projectiles on them, that they had attacked  
21 with 34 tanks, and so on and so forth.

22 However, it also says here that they did all that because of  
23 their heart and with the Muslim help. The offensive was quashed. They  
24 had 19 dead Muslim and Croat soldiers. And together with the civilians,  
25 there were a total of 162 wounded.

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1 And they also say in this letter that -- a reference is made to  
2 the Muslim province. And here you see the Vance-Owen Plan on  
3 cantonisation had already been signed and also ended up in the canton,  
4 and I'm imploring with everybody because this is being erroneously  
5 treated. A reference is made here to the Croatian provinces as the  
6 provinces which should only have Croatia population, but this is not  
7 right. This is the Vance-Owen Plan, and in order to make things simpler  
8 people said -- like here, they say that they remain in the Muslim  
9 province. By the same token, Croatian Muslims were also mentioned.

10 There were no Muslim or Croatian provinces. For example, there should  
11 have been, allegedly, more Croats in Croat provinces. They were to be  
12 called Croatian provinces, but that has nothing to do with the  
13 interpretations according to which those provinces were to be pure.  
14 Muslim provinces, likewise, did not have to be pure. Muslims and Croats  
15 in Usora fought together against the Chetniks, as they described it in  
16 the letter. And they say president, that's how they address him,  
17 although he's not the president, still they address him as President  
18 Tudjman. And they are hoping that they would be part of an  
19 administrative unity because there were a lot of [indiscernible].  
20 Of course, this is about Bosnia-Herzegovina. They are not  
21 talking about seceding, about being defending from -- defended from  
22 somebody. Mate Boban and Franjo Tujman signed the Vance-Owen Plan, and  
23 this should have been implemented. The Serbs never signed it.  
24 Mr. Izetbegovic, after having signed it, as was his custom, gave up on  
25 it. That would be that.

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1 Q. The next article in the same --

2 A. No, no, skip that, forget that.

3 Q. So we've skipped it.

4 A. Give me a moment. Hold on, hold on.

5 Q. Seks?

6 A. No, no, we're not going to do Seks, no. No. No Seks, forget

7 Seks, nothing important about Seks.

8 Q. And the next "Hrvatski Vojnik" --

9 A. No, no, we're moving to "We'll Build Croatia."

10 Q. Just a moment, can you give me the number?

11 A. It's the same number.

12 JUDGE TRECHSEL: I'm sorry. If there is a pause, could we be  
13 told where Usora is? The Google map does not know a place called Usora.

14 THE WITNESS: [Interpretation] Usora is too small. I beg your  
15 pardon, begging your pardon? Pardon? I know, I know, I know.

16 MR. KARNAVAS: It's right next to Doboj, Your Honour. That's  
17 where, I believe, the Vice-President Zubak was from, Usora. I believe  
18 it's now part of the Republika Srpska.

19 THE WITNESS: [Interpretation] I don't see it. My eyesight is not  
20 that good.

21 JUDGE TRECHSEL: Please continue, Mr. Kovacic.

22 THE WITNESS: [Interpretation] Mr. Kovacic, "We Will Build  
23 Croatia," that's --

24 MR. KOVACIC: [Interpretation]

25 Q. Yes. It's in the same one, 3D01998, a long article, an interview

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1 with --

2 A. It's not an interview, no.

3 Q. No, it's not an interview. This is a speech delivered by

4 President Tudjman. The Croatian e-court is 3D31-0044, and in English it

5 is 3D40-0895 through to 0903.

6           General, as you go through the subtitles, could you please stop  
7 and give me time to refer everybody to the Croatian and English pages in  
8 e-court.

9           A.    Of course, I'll do that.

10           This is what, in Croatian, is called the state of the union  
11 address. That's what it would be in America. Of course, we have a  
12 different name in Croatia for that. This is a most fundamental address  
13 by the president to the overall population of Croatia about the basic  
14 principles of the state policy in all the spheres of life, including  
15 wartimes and what is being attempted; culture, economy, and other things.  
16 So this is an equivalent of the state of the union address.

17           I will start with the international circumstances in which we  
18 create an independent state. I'm doing this now, Your Honours, to show  
19 you how crystal clear it was to Franjo Tudjman, the president of the  
20 state, that he would not have been able to create a Croatian state if he  
21 had not understood all international historical circumstances that were  
22 at play and if he had not adjusted to those such circumstances. He was a  
23 historian and a statesman who knew so much. He knew so well what was  
24 going on, on the international scene, what kind of policies were in play.  
25 And here this is explained very thoroughly and in great detail.

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1           For one to expect that Franjo Tudjman would try to do something  
2 covertly with regard to Bosnia-Herzegovina is completely beyond  
3 comprehension.



4           Let's take things at a time. He says, and I'm going to give you  
5           the basic ideas, because it would take me too long to read everything,  
6           Your Honours, he says that the international order was against the  
7           creation of new independent states, that that order as regards Yugoslavia  
8           was based on the results and the outcomes of the First World War, which  
9           was the Versailles [Realtime transcript read in error "Warsaw"] agreement  
10          on the creation of a new Yugoslavia. He also says here that the  
11          establishment of new states were opposed by the states --

12           JUDGE PRANDLER: Sorry to interrupt you. I would only like to  
13          say that there is a mistake in the translation and the transcript, that  
14          when you spoke about the outcomes of the First World War, which, as you  
15          say, "which was the Warsaw agreement," of course you said Versailles  
16          agreement, so the "Warsaw" should be replaced by "Versailles." Thank  
17          you.

18           THE WITNESS: [Interpretation] Thank you, Your Honour.

19           He goes on to say that even those who wanted to preserve  
20          Yugoslavia were  
21          against the establishment of a new independent Croatia. He explains what  
22          reasons guided them to support the former Yugoslavia, and he also says  
23          that the relationships in the former Yugoslavia were not favourable, that  
24          the most important representatives of Croatia in the institutions of  
25          Yugoslavia were also people who were not very much in favour of the

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1          creation of a new independent state of Croatia. And he goes on to say

2 that everybody understood that Slovenia should let go if they so wanted,  
3 i.e., that Serbia was in favour of that, but that Bosnia and Herzegovina  
4 and other republics should remain in Yugoslavia, whereas Croatia would be  
5 given some confederal rights. Those were the proposals of asymmetrical  
6 federation. Those meetings ended with some preposterous solutions all to  
7 -- with aim to please Slobodan Milosevic. And the only thing that could  
8 please Slobodan Milosevic was a Greater Serbia.

9 Then he goes on to say under 5 that Croatia was in a position  
10 where it was -- imposed the legacy of the independent state of Croatia,  
11 the historical independent state of Croatia, as a reason against the  
12 creation of a new independent state, and he says here that all that has  
13 to be born in mind because it is all still present, and that in all of  
14 that what one has to bear in mind is our overall international policy.

15 Somebody who would think that they could go against all that  
16 would be nothing but a fool. There were some requests for speedy  
17 solutions in Croatia; of course there were.

18 He goes on to say that there is a dissatisfaction in the Croatian  
19 people because of the fact that the Croatian administration had not been  
20 introduced in all of its areas, that this should have been done through  
21 our -- through force. And he also says -- and he's being asked why he's  
22 pursuing his policy, as he does, towards the solution of the crisis in  
23 Bosnia-Herzegovina. It is obvious that the international community has  
24 not been able to resolve that crisis through their pens [as interpreted]  
25 because they hesitated to resort to stronger political and military

1 means.

2 And now I quote --

3 THE INTERPRETER: Could the counsel please quote the number of  
4 the English page on e-court.

5 THE WITNESS: [Previous translation continues]... because of the  
6 circumstances that prevailed at the time, it --

7 MR. KARNAVAS: Excuse me, General Praljak. Perhaps there could  
8 be some assistance to the translators, because they're trying to keep up  
9 with you, General Praljak. You're reading quickly. The translators  
10 don't know the number of the page in English. So perhaps counsel could  
11 provide that information. I'm not conducting the direct. Otherwise, I  
12 would help you out.

13 THE WITNESS: [Interpretation] Thank you, Mr. Karnavas.

14 And I quote:

15 "From the circumstances --"

16 MR. STRINGER: Excuse me. Before you --

17 JUDGE TRECHSEL: Sorry. Where do you quote from, that was the  
18 question, and it is still an unanswered question.

19 THE WITNESS: [Interpretation] From the same text.

20 JUDGE TRECHSEL: Yes, yes, but the interpreters would like to  
21 know on which page. The pages have three columns. It is small print.  
22 Their task is difficult enough anyway.

23 MR. KOVACIC: [Interpretation]

24 Q. You are now in the portion dealing with Croatia and the war in

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1 A. No, no. "International circumstances in which we created an  
2 independent state." "International circumstances," that's page 2.

3 Q. In English e-court, that's 3D40-0895, and then goes on to 896.  
4 Most of it is there.

5 JUDGE ANTONETTI: [Interpretation] General Praljak, you're not  
6 going to read this entire speech. It's extremely dense. Just please  
7 read the highlights only that support what you are submitting.

8 THE WITNESS: [Interpretation] Well, I was hoping I would do that,  
9 so that's what I'll do.

10 From this text, which I hope will be admitted into evidence and  
11 will become part of the record, it is clear, crystal clear, that  
12 Franjo Tudjman understands all the elements working in the world  
13 politics, understands them with cold reason, and adapts his policies to  
14 those factors, aware of the fact that anything that might run contrary to  
15 the policy might lead to a collapse or might prevent the Croatian state  
16 from coming into being. And then he says that the policy he has pursued  
17 has been very careful, very cautious, clean, and that day after day he  
18 won over international players, acting in accordance with their demands,  
19 even though he was not always in accordance with them because those  
20 demands were often quite irrational and unreasonable.

21 He goes on to say in the text that again the policy had to be  
22 prudent and that it led to the gradual understanding on the part of the

23 international players and has resulted in the recognition of Croatia's  
24 independence and its admission into the membership of the United Nations.

25 And then he says that one should not forget that Croatia on its

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1 route to independence was not armed; it had been disarmed, and that this  
2 state, such as it was, was able to set up a stable democracy, and that  
3 its constitution and other legal acts embodied all the civilizational  
4 achievements of the modern world, and so on.

5 And then he goes on to say that we were recognised by  
6 103 countries, that 75 countries, including the European community, have  
7 diplomatic relations with us, that we have good relations with the key  
8 great power in the world, the United States of America.

9 And then he goes on to say that our legal system must guarantee  
10 all its citizens, in particular ethnic communities and national  
11 minorities, all their rights that have been achieved in modern humanity,  
12 that nothing will sway us from our way. And then he goes on to  
13 say that this has resulted in Croatia being able to sign the Vance Peace  
14 Plan, and that it is clear from what is going on in Bosnia and  
15 Herzegovina, what the Serb aggressor was ready to destroy in Croatia.

16 And then he goes on to say, speaking about UNPROFOR, that  
17 UNPROFOR has fulfilled its tasks, and that there are some problems, but  
18 that they are being dealt with.

19 THE INTERPRETER: Microphone for the counsel, please.

20 MR. KOVACIC: [Interpretation]

21 Q. General, now you've moved on to the second heading, "Problems  
22 with the protected areas and the UN." That would be 3D40-0897. Please  
23 go ahead.

24 A. Well, he speaks about UNPROFOR and how we managed to -- but  
25 before the war in BH, let me just remark, he says that he will pursue the

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1 same policy consistently and that citizens will be guaranteed all their  
2 civil and ethnic rights, including a right to self-government, in  
3 accordance with the highest civilizational achievements of Europe and the  
4 modern developed world.

5 He speaks about a normalisation of the relations with Serbs under  
6 the auspices of the UN peacekeeping force.

7 And then he says that Croatia is in favour of having free  
8 elections for local government in those areas, and proposes that the  
9 Croatian Parliament should make it possible for the representatives of  
10 Serbs from the two districts in which they have the majority, to be  
11 members of the Chamber of Counties in the Parliament, and also that the  
12 problem of Serb representatives in the Chamber of representatives should  
13 also be dealt with.

14 So in the midst of this war, Franjo Tudjman says that for  
15 Kotor Glina, for the Glina and Knin districts, he offers the Serb  
16 representatives to have their own local self-government, their own  
17 police, as we will see later on, and to have their members in both  
18 chambers of the Croatian Parliament.

19           And when he talks about the war in Bosnia-Herzegovina --

20           Q.    Just a moment, General.  When he speaks about the war in  
21   Bosnia-Herzegovina in English e-court, that would be 3D40-0898, and it  
22   spills over to page 0899.

23           Thank you.  Please go ahead.

24           A.   I will not repeat the three basic points, why he says that  
25   Croatia is interested in the actual solution.

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1           He says that some powers are getting involved in that war and  
2   that this might lead to an escalation; that the world has condemned the  
3   Serb aggression, but that there are some international factors that are  
4   afraid that there would be an Islamic state in the middle of Europe.  And  
5   he says unfortunately those people who are not from the area, from the  
6   region, do not understand the problem, and he says that the Croatian  
7   people in Bosnia-Herzegovina organised themselves to defend themselves  
8   against the aggression and was able to defend most of its area  
9   successfully, that the whole of Bosnia-Herzegovina was saved in this  
10   manner, which was true.

11           And then he goes on to say that under the auspices of the London,  
12   Geneva and New York Conferences, that the position taken by him as a  
13   matter of principle was always that any solution to the problem should be  
14   such that it would lead to a stable, long-lasting peace.

15           And he says that Bosnia and Herzegovina can only survive as a  
16   state if it is made up of three constituent peoples who have equal

17 rights, where they would have a certain degree of power in the areas  
18 where they have the majority because, as we will see further on,  
19 otherwise we would have the same thing that Bosnia-Herzegovina has seen  
20 for centuries now, that any solution imposed from the outside, the  
21 Turkish rule, the Austrian annexation, the Serb aspirations, any solution  
22 which would not be based on such principles would lead to a chaos in the  
23 country, as we are seeing now because the solution simply is not good,  
24 and it is all being postponed and the quantity of mistrust, not to say  
25 hatred, grows day by day. Well, I don't want to go into that.

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1 This is, in fact, an address which presents an overview, and I  
2 have to say that a man who understands and sees politics -- international  
3 politics in this way and the forces at play, and then to say  
4 that this man and this politics or the policy is plotting to annex parts  
5 of Bosnia-Herzegovina, having carved it up, I think it's simply  
6 unreasonable. And we can go on.

7 Let me just -- I'll tell you what I want --

8 Q. Very well. Thank you very much. The next --

9 A. Well, we'll skip the next one.

10 Q. That's what I thought.

11 A. We'll skip this one, to cut this short.

12 Q. 201, 3D0201.

13 JUDGE ANTONETTI: [Interpretation] Before moving to this other  
14 document, I have a question coming from this speech which was delivered



15 in front of the two chambers, a speech made by the president of Croatia,  
16 speaking before his citizens and the elected -- fellow citizens and  
17 elected officials.

18 So he is there to talk about the policy that he's about to  
19 conduct. Now, given this, Mr. Praljak, I noted one thing. In this  
20 speech, President Tudjman addresses the problem of conflicts in  
21 Bosnia-Herzegovina. He says, Unfortunately in Bosnia-Herzegovina, there  
22 are conflicts between the Croatian and the Muslim troops, and he adds "in  
23 some places." So he's not saying it's a widespread conflict. He's very  
24 careful and says that it only occurs in some places, and this is quite  
25 important. It's a president speaking to his people. He's not allowed to

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1 make any mistake, and what he says must actually reflect the truth or the  
2 reality. This is what he says, "in some places." And then it seems that  
3 he's going to give the reasons for all this. It seems that he says that  
4 it's the consequence of the Serbian aggression, that it also comes from  
5 the intentions and acts of irresponsible Muslim extremists.

6 The analysis of the reasons of the conflict between Croats and  
7 Muslims in Bosnia-Herzegovina that he's actually carrying out, I would  
8 like to know whether the entire political class in Croatia at the time  
9 shared this opinion or whether here Tudjman is only expressing his  
10 personal opinion.

11 THE WITNESS: [Interpretation] Well, Your Honours, I can't really  
12 give you an answer to that question because, of course, there were

13 various texts and statements as to why the conflict broke out. There  
14 were those who blamed it only on Serbs, those who blamed it only on  
15 Muslims, and there were those who blamed only the HVO in Herceg-Bosna,  
16 because as President Tudjman once said, there would not have been any war  
17 in this area had Croatia agreed to remain in Yugoslavia. Well, it's very  
18 simple -- very simple to avoid war if you agree to remain a slave.

19 And the same thing went for Bosnia and Herzegovina. There were  
20 no conflicts between Muslims and Croats here in Bihac [indicates]. There  
21 were no conflicts between Croats and Muslims in Posavina. There were no  
22 such conflicts here in the whole central area, Tuzla-Zenica,  
23 Zenica-Tuzla, and so on. There were conflicts in Konjic and in  
24 Central Bosnia, and then it spread.

25 Of course, I share the position, and I will try to show what it

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1 was through the documents that I will call up in the course of my  
2 evidence, that several factors contributed to the conflict. One is the  
3 influx of a great number of refugees into that area, but this is my  
4 position, and I reached that position through conducting some analysis on  
5 my own. But the international community could not force the Serbs, who  
6 had taken large parts of the territory, to agree to any kind of logical  
7 peace, and then this part of the territory of Bosnia-Herzegovina that  
8 Croats and Muslims were left with [indicates] simply made the negotiators,  
9 in particular I'm referring now to Mr. Izetbegovic and people who pursued  
10 his policy, because we will see that Mr. Izetbegovic was not really all

11 that independent in pursuing this policy, to say, Okay, whatever we  
12 present to the international community as being under our control in the  
13 field, the international community is going to recognise it, because it  
14 recognised the Serb conquests, because it is not the purpose of the  
15 international community to get a just solution, but just to get peace at  
16 any cost. And born out of this kind of thinking, we had this kind of  
17 logic, that the BH Army should take Central Bosnia and should take, as it  
18 is stated by Sefer Halilovic explicitly, to get to its western borders  
19 and to get to Neum and to Ploce, and then to simply say to the  
20 international community, Well, we've dealt with the problem. Serbs have  
21 their own part; we've managed to capture our part of the territory. And  
22 I say to you, Your Honours, that they would have accepted that, because  
23 they accepted the division of Bosnia and Herzegovina, as Serbs did in the  
24 course of the war; 49 percent of an ethnically-cleansed state. Of  
25 course, this runs contrary to what I feel should be the moral fibre of

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1 the international politics, but there you have it. That's the real  
2 politic for you.

3 And this is why this is Franjo Tudjman's position, but this is  
4 also the way that the entire government thought, including the parliament  
5 and everybody else who looked at things reasonably.

6 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, if you could  
7 please answer shortly, if you could give us shorter answers, you know, we  
8 could have more questions, that would be nice.

9 I have one last question regarding this document, a question that  
10 I put through the -- by looking at the possibility that Mr. Tudjman might  
11 be playing a double game, which is the case alleged by the Prosecution.

12 On page 3D40-0899 for the English version, the first column, the  
13 first paragraph of this first column on this page, he says, and I quote:

14 "Croatia recognised Bosnia-Herzegovina, and up until now it is  
15 the first and the only one who sent an ambassador to this country."

16 Tudjman is thus saying that Croatia recognised Bosnia-Herzegovina  
17 first and sent an ambassador to this country. How can you interpret  
18 this, coming from Mr. Tudjman? Do you believe that in his mind, he is  
19 making a symbolic gesture, or is it a gesture that runs parallel to  
20 recognising a state, or is there something more, the fact that he wants  
21 to be number one -- the first one to send an ambassador, the first one to  
22 recognise the state? How can you analyse all this?

23 THE WITNESS: [Interpretation] Well, precisely in that way. If  
24 you want a country to remain integral, you're going to recognise it  
25 first, you're going to send an ambassador first, well, to Sarajevo, and

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1 it was Mr. Sancevic in this particular case. And Mr. Izetbegovic didn't  
2 want to take a plane and go to Sarajevo, or him to take a plane, and that  
3 would prevent some political gains, but not on the Croatian side.

4 So let me repeat. Franjo Tudjman sent a prominent personage to  
5 spend a month in Bosnia-Herzegovina lobbying to have a referendum first  
6 because, Your Honours, the Croats in Bosnia-Herzegovina were not prone to

7 go to a referendum for retaining Bosnia-Herzegovina without a precise  
8 qualification of what kind of Bosnia-Herzegovina they were going to have,  
9 because the essence of the problem is not Bosnia-Herzegovina, as such,  
10 but what kind of Bosnia-Herzegovina it would be. I, as a citizen and  
11 Croat, what would I gain in that kind of Bosnia-Herzegovina? And it was  
12 expected that Mr. Izetbegovic would come out with a crystal clear -- and  
13 I had a long conversation with him in Mostar in October, that he would  
14 come out with a crystal-clear stand and say, I am offering to the Croats,  
15 Muslims, Bosniaks and Serbs, I'm offering this kind of system, internal  
16 system for Bosnia-Herzegovina, so let's fight for that social order. And  
17 I'm going to talk about this discussion I had with him in due course.  
18 So President Tudjman lobbied as much as he could to have this question  
19 of the referendum agreed to, and the Croats would not have agreed to  
20 that, and it was the Livanjski problem. I wouldn't have agree to that,  
21 either, because the crux of the matter was what kind of Bosnia-Herzegovina  
22 were we going to have, just as what is the position of France in Europe?  
23 What kind of country is Switzerland in Europe? So it wasn't a question  
24 of challenging Bosnia-Herzegovina as a country and state, per se, as  
25 such, not where the Croatian politics is concerned, but here we have a

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1 man who understands the significance of ambassadors and the United  
2 Nations and who is sending his envoy and all Islamic countries, Demirel's  
3 Turkey with whom /inaudible/ had exceptional contacts, they understood  
4 just how much Croatia had done for the Muslim population much better than

5 the West understood this, because people came in from Iran, and Mr.  
6 Demirel, the president, was there several times, he set up a joint  
7 delegation with Mr. Tadjman to go to Mostar and try and find peace --

8 JUDGE ANTONETTI: [Interpretation] General Praljak, just a minute.

9 Your answers are very lengthy. Please try to cut it short.

10 But you just said something that forces me to put a question to you. It's  
11 something new that I've just discovered. You just said that President  
12 Tadjman lobbied as much as he could to have the referendum, a referendum  
13 that could only lead to the existence of the Republic of Bosnia-  
14 Herzegovina. But logically, if President Tadjman intended to annex  
15 Herzegovina, shouldn't he then have lobbied with the Croats of Herzegovina  
16 or acted with them to tell them, you know, Say no in the referendum, vote  
17 no, because Croatia must be integrated? Wouldn't that be more logical?

18 THE WITNESS: [Interpretation] Well, Your Honour, what would have  
19 been more logical? He didn't even have to say, Don't vote. The Croats  
20 down there, without his influence, wouldn't have voted at all. In other  
21 words, the Badinter Commission would not be able to say that  
22 Bosnia-Herzegovina exists as a state, because two ethnic groups would be  
23 against, and quite simply we could have cut off that part without any  
24 problems, militarily and otherwise. We were far stronger than the  
25 BH Army. And in 1992 and when the war was going on down there, I,

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1 together with the HVO and Petkovic, we were able to take a chunk, just  
2 like the Serbs did; Uskoplje and Rama and Central Bosnia, and all the

3 rest of it. But throughout that time, we assisted the BH Army and  
4 supplied it with weapons, so where's the logic there? You recognise a  
5 state and force or try and have the people recognise the state if you  
6 want to cut off a portion later on, and you send an envoy, you send an  
7 ambassador, you sign agreements. Well, that's precisely what I'm saying.  
8 It's quite unreasonable. I can't understand that. Nobody can understand  
9 that.

10 JUDGE ANTONETTI: [Interpretation] We have five minutes before the  
11 break. Mr. Kovacic.

12 MR. KOVACIC: [Interpretation]

13 Q. Perhaps before we move on to the next document, General, while  
14 we're on the subject of responding to Judge Antonetti's question, you  
15 mentioned your personal meeting and conversation with Izetbegovic in  
16 October, and that was on page 34, line 5, of the transcript. Could you  
17 tell us what that year was.

18 A. 1992.

19 Q. Thank you. Now, this brings us to document 3D0201 --

20 A. No, only 0200, and I have a small part there that I would like to  
21 address. 3D02000, so three 0s, 2000, and it was an interviewed by  
22 today's Prime Minister Sanader. And at the time he was, I think, the  
23 deputy foreign minister, Dr. Ivo Sanader.

24 Q. Just a moment. In Croatian, the page is --

25 A. I'll tell you. I'll tell you. It's page 11 of

1 "Hrvatski Vojnik," and it just says:

2 "Can we, within this context, stand up parallel to Serb diplomacy  
3 which has for years disseminated lies?"

4 Q. That hasn't been translated.

5 A. What do you mean, it hasn't been translated?

6 Q. Well, on page 12, in the middle column, it says:

7 "Dr. Sanader, you presented interesting views and the  
8 strengthening of cooperation between," et cetera, et cetera.

9 A. I'll read it out. Dr. Sanader in that text says what kind of  
10 propaganda you have during a war, and everybody that has dealt with  
11 anything like this knows how many lies are disseminated, and I quote:

12 "On Easter Monday, the 12th of April, 1993, the world news  
13 agencies broadcast a Serb lie to the effect that the conflicts between  
14 the Muslims and Croats in Travnik started by the nationalistic cry to  
15 genocide, appeal to genocide."

16 And then this "fierce appeal" is in quotations:

17 "... none other," than once again in inverted commas, "the well  
18 known 'extremist,' the Croatian Defence Minister Gojko Susak. Allegedly,  
19 this piece of news was confirmed by two high-ranking officers of  
20 UNPROFOR. And on that same day, I reacted to this untruth, because I was  
21 present together with the other high-ranking officials of the HDZ at the  
22 great fair, Velesajam, where we held the main board meeting of the party.

23 "Minister Susak," and you can see this from the papers, "was  
24 sitting in the first row at that meeting. Later on, Mr. Susak  
25 acknowledged that he'd never been to Travnik."



1           Now, Your Honours, there you have it. This is one example, and  
2 this was mentioned for a long time later on, how war propaganda and lies  
3 were disseminated. And I think that some Prosecution documents mentioned  
4 that Gojko Susak delivered this speech in Travnik, and on the same day  
5 there's a photograph in the papers.

6           Quite simply, propaganda and lies took on a great importance and  
7 were disseminated by and large all over, and unfortunately we did not  
8 manage to set up a television station and to be able to disseminate our  
9 own information and stand up to this misinformation that was broadcast to  
10 the world on a daily basis and caused major upsets and deviations of the  
11 truth. So that's that.

12          Q.    General, something was lost in translation. Can you just repeat  
13 your assertion. The sentence on page 37, line 17 and 18, wasn't quite  
14 clear. You said that Gojko Susak allegedly, according to certain  
15 sources, was in Travnik, whereas on that same day he was where, and where  
16 did his photograph appear?

17          A.    He was at Velesajam.

18          Q.    Where?

19          A.    In Zagreb.

20          Q.    And?

21          A.    Attending the main board meeting of the Croatian Democratic  
22 Community, and that on that day the papers published this, they published  
23 where he was. It came out in the papers.

24 MR. KOVACIC: [Interpretation] I think that clarifies matters.

25 Now let's take a --

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1 JUDGE ANTONETTI: [Interpretation] It's time to have a 20-minute  
2 break.

3 --- Recess taken at 10.33 a.m.

4 --- On resuming at 10.54 a.m.

5 JUDGE ANTONETTI: [Interpretation] The court is back in session.

6 Please proceed, Mr. Kovacic.

7 MR. KOVACIC: [Interpretation] Thank you, Your Honour. Thank you  
8 to the interpreters.

9 Q. General, this 3D02001 and the next one, 2002, we're going to skip  
10 that to save a bit of time, and this brings us to 3D02003. And there's a  
11 long article there about the celebrations of the anti-fascist struggle  
12 and the 400 years of the battle of Sisak, and President Tudjman is  
13 speaking at length here about that. And you want to focus on certain  
14 issues. In Croatian e-court, it is 3D31-0076, and for the English it is  
15 3D40-0929.

16 Go ahead, General.

17 A. Well, it was a two-fold meeting. On the 22nd of June, 1941, the  
18 1st Partisan Detachment was established in Sisak of the anti-fascist  
19 council, and it was considered to be the first in Europe, setup in  
20 Europe, and also it was the 400th anniversary of the great battle of  
21 Sisak between the Croats and the Osmani Empire, the Ottoman Empire. And

22 in history, it is considered that after that battle, which the Croats  
23 won, the burgeoning of the Ottoman Empire towards the West was stopped,  
24 and that was the beginning of the fall of the Ottoman Empire. And it is  
25 important to mention that all the members of the diplomatic corps were

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1 invited to attend the rally in Sisak and that there were two prominent  
2 anti-fascist fighters, partisans, Dr. Franjo Tujman and  
3 Mr. Janko Bobetko, and they both delivered speeches.

4 It's a long article, as I said, and following Judge Antonetti's  
5 instructions and guide-lines, I'd just like to emphasise that  
6 Franjo Tujman was speaking about how the anti-fascist movement in  
7 Croatia was formed and how many partisans there were from the Croatian  
8 nation, without, of course, denying the part the Serbs played, the Serbs  
9 from Croatia. And proportionately, according to the number of  
10 inhabitants, he says - he won't omit to say that - there were more of  
11 them than there were Croats. And he goes on to say that the anti-fascist  
12 movement -- that there was a German detachment of the anti-fascist  
13 movement in Croatia, an Italian battalion, anti-fascist one, there was a  
14 Jewish battalion, a Czech brigade, a Muslim brigade. And further on he  
15 goes on to say that it was on the basis of this kind of anti-fascist  
16 movement in Croatia, contrary and opposing the Pavelic regime, that  
17 Croatia already at that time at the ZAVNOH and AVNOJ meetings, which were  
18 the constituent elements, that Croatia gained the constitutional right to  
19 its own republic, and he says that it was no province, it was not a

20 province, as was claimed by some European statesmen, and that pursuant to  
21 the Constitution, the Croatian nation, the Croatian people, had the right  
22 to self-determination. Further on, he goes on to speak about how,  
23 through history, Serbian hegemony over the Croats developed.

24 Q. Just a moment, General. That is "Learn the lessons of history,"  
25 is it? 3D40-0930 is the English e-court?

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1 A. No, no, we're a long way from that. We're dealing with "Never  
2 Serbian hegemony in Croatia again," that title, and then we have "Croatia  
3 and the anti-fascist movement during the war."

4 THE INTERPRETER: Could the speakers kindly slow down and not  
5 overlap. It is impossible to translate.

6 MR. KOVACIC: [Interpretation]

7 Q. Very well, it is at page 0 -"Croatia on the side of anti-fascism" is 3D40  
8 -0931 in English and the subtitle "Never again a Serb hegemony in Croatia".

9 A. They are not subtitles, they are headings of sections. Please  
10 don't Mr. Kovacic. "Croatia on the side of anti-fascism during the  
11 Second World War," that's what I'd like to speak about now.

12 Q. In English, it is 0931. That's the page. Go ahead, please.

13 A. He reminds us here --

14 JUDGE PRANDLER: Excuse me. I wonder if you have listened to the  
15 interpreters, Mr. Kovacic and Mr. Praljak. They cannot follow you.  
16 Please, kindly slow down. Thank you.

17 MR. KOVACIC: [Interpretation] I apologise. That was my mistake.

18 I was trying to help out -- help the interpreters out by giving them the  
19 page numbers, so I -- but I apologise.

20 THE WITNESS: [Interpretation] Yes, I apologise to you too,  
21 Judge Prandler, and especially to the interpreters. Unfortunately, one's  
22 tongue and one's mind is linked; they are linked together. And even if I  
23 try to slow down my thoughts, unfortunately they tend to move rapidly,  
24 beyond my will, and that's where the problem comes.

25 Anyway, he's reminding his friends in France here, and those who

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1 were not favorably disposed towards us for whatever reason, that the  
2 command of the resistance movement of Southern France was a Croat by the  
3 name of Ilic, who was given the rank of a French general and the highest  
4 French decoration, the Legion of Honour, and I think the Order of the  
5 War Cross as well. I think he was given that decoration too, and that  
6 the man afterwards became the husband of Zinka Kunc, who was a famous  
7 opera singer. She was an opera singer at the Metropolitan in New York.

8 I've said all the rest of it about the constitutional decision  
9 and the right given to Croatia as an anti-fascist victor, et cetera.

10 I'd like to move on now to another title which says "We want a  
11 political solution," and that is to be found on --

12 MR. KOVACIC:

13 Q. In English, 3D40-0932 is where that part begins.

14 A. Here he says what the Serbs want and how they want to achieve  
15 that. He refers again to the Knina Corps in Knin. He also offers a

16 local self-government as something that they should get. He says that  
17 the military option is not what we want. And further on, he says that  
18 the normalisation of Croatian and Serb relationship is necessary for both  
19 Croatia and Serbia. And then he says that already some 20 years ago, at  
20 scientific meetings, he spoke -- he wrote that the time would come for  
21 the misfortunate Balkans to have reason prevail and that the Balkans  
22 will -- would become a new Scandinavia. This is something that  
23 Dr. Franjo Tudjman was dealing with before the war for some 20 years or  
24 so. Then he explains how the Finns, the Swedes, the Danes, and the  
25 Norwegians found a solution to their problem a long time before that.

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1 He also speaks about the Second World War and what a misfortunate  
2 event that was when the partisans waged a war against the Ustasha and the  
3 home guard, and the Catholics waged the war against the Orthodox,  
4 and that one should learn their lesson from history in order to avoid  
5 such happenings in the future. And further on, he speaks at great length  
6 how this would be in the best interests of Europe, how the Czechs and  
7 Slovaks managed to separate peacefully, as well as they did in the Soviet  
8 Union. I was following his political and scientific work, and I've  
9 always seen the same political theses. Now there is no Zagreb-Belgrade  
10 agreement of any sort, if you please.

11 Q. Now we're moving to 0933 in English e-court version.

12 A. He again says that both -- that the war in Bosnia-Herzegovina has  
13 come to an end through a political solution that will be satisfactory to

14 all the three peoples there, because only that can be the foundation for  
15 a long-lasting and stable peace. He knew, as a historian, that all the  
16 former solutions for Bosnia-Herzegovina, starting with the  
17 Berlin Congress and others, were imposed on Bosnia and Herzegovina and  
18 always ended in a disaster.

19 He goes on to provide a historical perspective and explain why  
20 things should be done the way they should be done, what happened  
21 throughout history if the political solutions were not good.  
22 And then again he speaks about Bosnia and Herzegovina and what happened  
23 there. He calls it a conflict, and he says that among the Muslims, as  
24 we all know, there appeared a thesis which they presented that they were  
25 not ready for the Serbs and that they, however, were ready for the Croats.

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1 He says that this is perilous, that this is tantamount to suicide.

2 He also says that we have recognised Bosnia-Herzegovina. He  
3 makes a reference and speaks at great length about refugees.

4 He says that the Croatian population in Central Bosnia came under  
5 attack, that all Muslim politicians, soldiers, and all of them together,  
6 as we all know only too well and will be able to see from documents, are  
7 walking freely across Croatia as if they were in their own country, or  
8 even freer than in their own country. However, some of them provided  
9 statements to the press calling for the overthrow of the democratic  
10 government in Croatia. Finally, he concludes that it prompts one to ask  
11 oneself which God and Allah it was where they found such ideas and don't

12 they see where it is taking them.

13 And again he says that the interests of the three peoples should  
14 be taken into account, a good solution. Always the same, more of the  
15 same, and always the same, and more of it.

16 Q. Very well. Now we can move on to 3D02 -- I apologise.

17 JUDGE ANTONETTI: [Interpretation] One moment. Mr. Praljak, let  
18 us deal with this small topic which is, however, very important, the  
19 issue of the number of refugees.

20 Mr. Tudjman says that there were half a million refugees that  
21 moved over to Croatia, 400.000 from Bosnia and Herzegovina. He says  
22 400.000. That is a major number of people, and apparently he says that  
23 272.000 people were Muslims.

24 I'm trying to find some logic wherever I am. I try to understand.

25 If the Republic of Croatia was in a state of mind that was

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1 connected with the Herceg-Bosna leaders, with a view to carrying out  
2 ethnic cleansing, why would it have harboured and welcomed 272.000  
3 Muslims, whilst it could have been told to the Muslims that they were to  
4 go to areas that were controlled by the ABiH? Do you have an explanation  
5 for this, Mr. Praljak? How is it that 272.000 Muslims moved -- flowed to  
6 the Republic of Croatia? Why were they not directed to ABiH-controlled  
7 areas, rather than to the Republic of Croatia? Is there an explanation  
8 for this?

9 THE WITNESS: [Interpretation] Yes, there is, Your Honour.



10 First of all, the number that is mentioned by Dr. Tudjman is  
11 probably just the current situation. There were a lot more refugees from  
12 Bosnia and Herzegovina, and displaced persons, who either stayed in  
13 Croatia for a longer time or passed through it. First they would be  
14 received in Croatia, and then they would move on to some third countries  
15 that would receive them.

16 Next, we saw the figure, and we heard it from Dr. Rebic, that the  
17 number was higher.

18 Second of all, 70 percent of the territory of Bosnia and  
19 Herzegovina, or maybe somewhat less, maybe 68 percent of the territory of  
20 Bosnia-Herzegovina, the Serbs occupied in Bosnia and Herzegovina. The  
21 number of refugees from those territories was over a million, and some of  
22 the refugees stayed, and that constitutes the impaired ethnic balance or  
23 dis-balance. Some part of these people found accommodation in the  
24 territory under the control of the BH Army, and the HVO Mostar was  
25 swamped, Uskoplje was swamped, Central Bosnia was swamped with them.

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1 However, Your Honours, you can't -- the first excavators that were sent  
2 to amend the forest-path that led towards Rama, the well-known road of  
3 salvation, Mr. Stojic and I worked in 1992 and managed to convince some  
4 private persons who had excavators to give us the excavators and try and  
5 make a proper path, because before the vehicles would end up in the  
6 ditch. How could you not let people go? People just kept on coming and  
7 coming, and people kept on coming. You can't return those people and

8 tell them, You can't go through. It never occurred to us to do that. We  
9 let through hundreds of thousands of people. The first station was in  
10 Posusje, where they would be fed and spend the night, and then they would  
11 be sent on their way. Transportation had to be arranged. Those vast  
12 amounts of people required resources and efforts that we just could not  
13 invest because we simply did not have the resources.

14 For example, we would talk to three private owners of excavators  
15 who would then agree to do that, and then a British battalion came. And  
16 for their own reasons, they continued improving the road. There were  
17 wounded. There was no way one could send people back. You just could  
18 not leave them in the forest or on the road. When you have 15.000 people  
19 arriving in Rama, what can you do? It never occurred to us to send them  
20 back.

21 These people were en route to Croatia, and Croatia went beyond  
22 all of their resources, filled up all the hotels along the Adriatic  
23 coast, every single house that could be used, and in doing that they had  
24 to make sure that these people should not be within the shelling range.

25 For example, Sisak, Varazdin, Demistura, everything was full. It

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1 was bursting at the seams. There were Croats, from Bosnia, Muslims.  
2 Nobody was turned down, nobody was turned down ever, neither wounded nor  
3 a refugee. It never occurred to us to dwell upon what to do with them,  
4 where to send them. There was no ethnic cleanses. There was not even a  
5 remote thought to that effect. Those were people who were fleeing to

6 save their lives, to save their hides, and they were received, they were  
7 accepted. And we worked day and night, as it were, under the conditions  
8 that prevailed at the time. And I believe that everybody knows only too  
9 well what the conditions were at the time, financial and all the others.

10 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic.

11 MR. KOVACIC: [Interpretation] Thank you, Your Honours.

12 THE WITNESS: [Interpretation] I apologise. I'm sure that you  
13 know the part where I led one of the operations, which was transferring  
14 people across the Neretva who had been expelled from Stolac, 15.000  
15 people and 3.000 cars. I'll go back to that situation.

16 We used a raft, a simple makeshift raft, to transport people and  
17 cars, some heavy lorries as well that we had managed to load, and they  
18 were all accommodated in Medjugorje, Citluk. Some were transferred on to  
19 Croatia, in the houses there.

20 And now what was insulting at the time and still is insulting  
21 today, some of them who were not accommodated the first night. It was  
22 summer; they would remained outdoors; they would be given blankets, and  
23 then a European Monitor would come by and he would tell us, Look what  
24 you're doing. It was insulting then, and it is still insulting. If the  
25 conditions were not the way he thought they should be, as he had just

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1 arrived from Munich or Paris, or God knows where from, this was  
2 belittling the efforts that had been invested in all that.

3 MR. KOVACIC: [Interpretation]

4 Q. General, could you please look at 3D02004. This is an article  
5 entitled "Where there's no police, there's no life." This is an  
6 interview with the then minister of the interior of Croatia. I believe  
7 that you wanted to single out just one thing.

8 A. Yes, "A border without a barbed wire."

9 Q. This is on Croatian e-court page 3D31-0091, and in English 0004  
10 and on to 0005.

11 A. Just the first sentence here. He is asked, What state borders  
12 are you controlling? Answer, and he says, The state borders we are fully  
13 controlling today are the state borders with Hungary, Slovenia,  
14 Montenegro, and Italy on the sea, and one part of the state border with  
15 Bosnia and Herzegovina.

16 Thus, the minister of the interior controls the state borders.  
17 And as for Bosnia and Herzegovina, he could not control the entire border  
18 because there were Serbs here [indicates], and he cannot control the  
19 narrow part in the west, because this is the free part of Bosnia and  
20 Herzegovina. He cannot control this part here [indicates] because the  
21 Serb forces are across the border. And that would be all about that.

22 Q. Thank you very much.

23 A. Well, it's obvious that he's speaking about other states; Italy,  
24 Hungary, Slovenia, Bosnia-Herzegovina. Bosnia-Herzegovina is a different  
25 state.

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1 Q. 3D02005 is what we are skipping, I believe.

2 A. Yes.

3 Q. 3D02006?

4 A. Yes.

5 Q. We are skipping?

6 A. No, not the last one.

7 Q. Just one article there. 006, that's "Hrvatski Vojnik" of the  
8 10th of September, 1993, and here at page 4 -- or, rather, that's  
9 3D31-0110. There is an article about a session of the National Security  
10 Council. It's called "For Herceg-Bosna in a united BiH." That's  
11 3D40-0007, spilling over 0008 in the English version in e-court.

12 Please go ahead, General. What did you want to say about it?

13 A. Well, again, a clear confirmation of the truth in this whole  
14 story, and that is that on that date the National Defence and  
15 Security Council in Croatia reiterates that as far as Croatia is  
16 concerned, that Bosnia and Herzegovina is an internationally-recognised  
17 member of the United Nations and that the proposal of the international  
18 community about the internal organisation of BiH as a union of three  
19 republics is accepted, and that Bosnia and Herzegovina -- that the war  
20 should be stopped, and that to the surprise of all international factors,  
21 Izetbegovic first agreed to it and then refused to sign it; that Croatia  
22 advocates Bosnia and Herzegovina as an internationally-recognised member  
23 of the United Nations; that it accepts the plan that was tabled; that it  
24 favours full compliance with the international law. And that's all I  
25 have to say. That's the end -- that's the end of it.

1 Q. We will now skip 3D00208.

2 JUDGE ANTONETTI: [Interpretation] One moment, General Praljak.

3 Look at the photograph in this document, please. Is this the  
4 room in which the people who were received at the presidential palace  
5 were meeting? We'll soon come to the transcripts. You attended some of  
6 the meeting. Is this the room, the meeting room, the usual meeting room?

7 THE WITNESS: [Interpretation] Yes, yes. That was the room where  
8 meetings were usually held.

9 JUDGE ANTONETTI: [Interpretation] Very well. Second question.  
10 We know that everything that was said was being recorded. Where were the  
11 microphones? Maybe you don't know.

12 THE WITNESS: [Interpretation] On the table, that's where the  
13 microphones were. Sorry? Well, I don't see it here, but I can see the  
14 little markers indicating who is to sit where, and it says here that a  
15 part of the session of the council, when Geneva Conference was discussed,  
16 was attended by Mate Boban, as a guest, and you can see he is third  
17 person on the right. There is Bobetko, Susak, Boban, with  
18 President Tudjman sitting at the head of the table, and to his right-hand  
19 side is Mesic. I said initially to the left, it's on the picture, but in  
20 real -- in actual fact, he was seated to his right. Then there's Seks,  
21 Mate Granic. And the picture is not all that clear, so I can't tell you  
22 who the others were.

23 JUDGE ANTONETTI: [Interpretation] A technical question. The  
24 National Security and Defence Council, when it came to meetings, was this

25 one of the most secretive meetings? Is that the sort of meeting where

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1 you had the inner circle around the president of the republic? Was this  
2 the type of meetings that would gather the key actors, the key players,  
3 the closest people to the president?

4 THE WITNESS: [Interpretation] Well, there was a decision on who  
5 comprised the National Defence and Security Council, and this decision  
6 clearly stipulates that. But one could say that this was the part of the  
7 military, police, the parliament, the speaker of the parliament. So key  
8 figures in all state institutions; the military, the parliament, the  
9 government, and the police, and the foreign affairs.

10 JUDGE ANTONETTI: [Interpretation] When there were such meetings,  
11 would everybody agree or were there different opinions that might lead to  
12 the fact that what was said was being controlled?

13 THE WITNESS: [Interpretation] No, Your Honour. The meetings were  
14 very open in nature. There would be a topic on the agenda, and there was  
15 open debate about all those things. Whoever wanted to take the floor was  
16 free to do so and to present their opinions. Of course, there would be  
17 various questions, hypotheticals, If we do this or that, then what would  
18 happen? So it would be a typical debate of an analysis of the situation.  
19 So people did not go there to present their opinions. Often, people  
20 would say, Okay, if you say this, let me say the contrary thing to see  
21 whether your thesis holds water.

22 JUDGE ANTONETTI: [Interpretation] It was the 10th of September,

23 1993. This document shows that a decision or an opinion is adopted by  
24 the people attending the meeting. It said that the Republic of Croatia  
25 continued to support the unity of Bosnia and Herzegovina.

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1 THE WITNESS: [Interpretation] Precisely.

2 JUDGE ANTONETTI: [Interpretation] When this was said, could it be  
3 understood in two ways, a dual language, as it were?

4 THE WITNESS: [Interpretation] No, Your Honour, but whom were you  
5 to present this double language? The UN recognised Bosnia and  
6 Herzegovina. There were ambassadors. Please believe me when I say this  
7 with utter sincerity. I simply cannot understand this argument, what  
8 this would mean. We say one thing, and then we'll do another. We are  
9 suppose to butt heads with the United Nations. Croatia recognised Bosnia  
10 and Herzegovina, sent its ambassador there, helped the refugees, helped  
11 arm the people, so I really can't understand. How could we do this in  
12 such an underhanded manner and take away parts of the country? So I'm  
13 asking this, okay, let's assume that we were lying, but please, can  
14 somebody tell me, what were we supposed to do in secret? Well, my brain  
15 simply ceases to operate there. I simply am not smart enough to  
16 understand this argument put forward by the Prosecution. I'm too stupid  
17 to understand it. I know the truth, because I was part of the whole  
18 chain of events right from the beginning, but I simply do not understand  
19 a single thing. And I'm saying this with utmost sincerity. There was  
20 nothing of the sort in thought or action. And we'll see what actions



21 Croatia took to assist Bosnia and Herzegovina, Muslims, and the BH Army,  
22 and -- well, I simply cannot understand it, Your Honours. That's as much  
23 as I can tell you.

24 JUDGE ANTONETTI: [Interpretation] One last question.

25 This document reaffirms the fact that the Republic of Croatia

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1 also supports the Republic of Herceg-Bosna in the framework of the union  
2 of the three republics. It's written in black and white.

3 THE WITNESS: [Interpretation] It is a proposal of the  
4 international community, and the international community tabled this  
5 proposal. This was not a proposal, as you will see from the documents  
6 that I will show you later, that Alija Izetbegovic's adviser -- well,  
7 we'll see those documents. Herceg-Bosna was a temporary, interim  
8 solution set up by a group of municipalities for the purposes of the  
9 defence. And as soon as the international community tabled its first  
10 proposal, that very moment, and I think that Mr. Karnavas presented all  
11 that, the moment they accepted the solution, everybody was ready to  
12 renounce Herceg-Bosna.

13 So this headline here, I think it was the Vance-Stoltenberg --  
14 or, rather, the Owen-Stoltenberg Plan, they tabled the plan, and  
15 Franjo Tudjman co-signed it on behalf of Croatia, and Boban immediately  
16 signed it on behalf of this Herceg-Bosna.

17 So let me share a joke with you. There was a saying about  
18 Franjo Tudjman, Take away his pen, because he keeps signing everything,

19 whatever the international community puts before him. There was -- there  
20 was some graffiti, Take away his pen. So there's really no  
21 behind-the-scenes games here. Well, he's not a fool. You have to read  
22 everything that he said.

23 103 countries recognised Croatia, and the United Nations, so now  
24 he's supposed to go and do something without getting the approval of the  
25 USA and France. Well, I really can't understand it. It must be that I'm

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1 stupid.

2 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic.

3 MR. KOVACIC: [Interpretation]

4 Q. General, let me rephrase the question. The remaining two issues  
5 of "Hrvatski Vojnik," 3D224 and 228, do you perhaps want to comment on  
6 it?

7 A. Well, that's not "Hrvatski Vojnik." We'll deal with that later.  
8 It's a Muslim magazine.

9 Q. So we won't be going into those two issues?

10 A. No.

11 MR. KOVACIC: [Interpretation] Your Honours, we will need --  
12 perhaps we can deal with just one minor matter.

13 The day before yesterday, Your Honours, there was a discussion  
14 about the HV booklet and ID card, and General Praljak said that he had it  
15 in his possession, and he brought it with him. I suggested he should put  
16 it on the ELMO, and we have photocopies for everyone. So I would kindly

17 ask the usher to assist me.

18 Q. General, could you please describe in your own words --

19 JUDGE ANTONETTI: [Interpretation] It seems that we have a  
20 problem. We're running out of luck.

21 THE WITNESS: [Interpretation] Well, could perhaps you just show  
22 it to the Judges?

23 MR. KOVACIC: [Interpretation] I suggest that you look at the  
24 original --

25 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, you can show this

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1 another time, when it will be fixed.

2 MR. KOVACIC: [Interpretation] Well, we can do that, but we just  
3 wanted to show that it didn't slip our mind, this whole discussion, and  
4 we wanted to show.

5 JUDGE ANTONETTI: [Interpretation] It's fixed.

6 MR. KOVACIC: [Interpretation] Your Honours, you had to provide us  
7 with the alternative before, and then this whole thing would start  
8 functioning earlier.

9 THE WITNESS: [Interpretation] Well, this is what we had, and it  
10 was introduced relatively late. This is the military ID card from the  
11 HVO. And this one, these two are from the Croatian Army. And here, let  
12 me show you -- sorry. Here, this is when I was a colonel, and this is  
13 when I became a major general [indicates], and you can see here it shows  
14 you that it was impossible to establish things properly, because I had to

15 sign, myself, as the author, as the official, because there was nobody  
16 else to sign it in Sunja, when a signature was required.

17 And here [indicates] this HVO ID card was issued on the 1st of  
18 May, 1992.

19 And here [indicates] it's the military ID card from the BH Army.

20 You can see I received it, and it was signed by Mr. Arif Pasalic.

21 I think I got it when we went to Rama to try and calm the situation down.

22 I think it was in late October 1992. His signature has faded, but you

23 can see the stamp. But if you look with the magnifying-glass, you can

24 see the signature of Arif Pasalic, the commander of the 4th Corps of the

25 BH Army in Mostar. I can show it to the Prosecution. If they look from

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1 this angle, they will see Arif Pasalic's signature.

2 MR. KOVACIC: [Interpretation] Your Honours, the BH Army military  
3 ID card has an ID number, and we will be tendering it into evidence. We  
4 sought for that in our motion for late admission on the 65 ter list. And  
5 as regards those HV and HVO ID cards, we do not intend to tender them  
6 because it is a notorious fact that he was a member both of the HV and  
7 the HVO. But since this was a question pertaining to a soldier who was  
8 killed and who is mentioned in the Kordic/Cerkez judgement, so this man  
9 could be in the possession of only this ID card, and it doesn't contain  
10 any other details.

11 THE WITNESS: [Interpretation] Yes, that's for sure. These are  
12 the only ID cards in existence, as -- and as you can see, I obviously

13 fought, myself. It was a limited conflict between the HVO and  
14 the BH Army, or rather this conflict was very fierce, but it was limited  
15 to a short time-period and a small area, and in the end it died down.

16 MR. KOVACIC: [Interpretation] I think this completes our  
17 examination into this issue.

18 JUDGE TRECHSEL: Almost, almost.

19 Mr. Kovacic, if I correctly recall and understood, we spoke not  
20 only of ID cards, but of a military booklet, and I just want to recall  
21 this. It appears that this booklet is not available. I am not saying  
22 that this is an essential piece of evidence at all, but together with  
23 this, it might have completed the display of the memorabilia of  
24 Mr. Praljak as a military.

25 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, a

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1 military booklet was introduced at a very late stage, after the first  
2 group of people who had been drafted, who actually did their regular  
3 national service, and this military booklet is never given to soldiers.  
4 It is kept in the Secretariat of Defence, in its files. It's the same  
5 thing with the work record booklet in Croatia. Nobody has it on them,  
6 rather it is kept -- they -- the booklets are not given to soldiers -  
7 the soldiers did not have them. They are  
8 kept in the filing cabinets of the secretariats of defence, the relevant  
9 secretariats of defence that were entitled to do draft people.

10 JUDGE TRECHSEL: Thank you. Let me perhaps just explain my

11 question, because my booklet, my military booklet, I have it at home, and  
12 all my services are listed and promotions and so on. That's why I  
13 thought it might be the same, and, of course, one always learns. Thank you.

14 JUDGE ANTONETTI: [Interpretation] General Praljak, yourself, did  
15 you have a military booklet? Was a military booklet made for you, kept  
16 at the Secretariat of Defence?

17 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, my  
18 military booklet -- I received a military booklet two days before I left  
19 the Croatian Army in 1995, when I was going to report to the Secretariat  
20 in Tresnjevka municipality which is where I was in Zagreb, then they  
21 wrote out this booklet; they wrote in the entries, and said I was unfit  
22 for the army. Because from my JNA files they copied out what it said,  
23 then there was a commission decision proclaiming me unfit for military  
24 service in the JNA. Well, it made me laugh. I didn't mind what it said.  
25 Anyway, the booklet remained there, and that's where it is to this day.

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1 And until the age of 65 I am considered as being of military  
2 age, I could still be called up, but two days before I left the  
3 Croatian Army is when the booklet was made and issued. When I went to  
4 report there, that's when I saw it.

5 JUDGE ANTONETTI: [Interpretation] But where is this booklet?

6 THE WITNESS: [Interpretation] In the Secretariat for National  
7 Defence of Tresnjevka municipality in Zagreb. Tresnjevka is a part of  
8 Zagreb; it's a municipality, one of the communes.

9 JUDGE ANTONETTI: [Interpretation] I'm asking this question,  
10 because I would like to be sure that in this military booklet, there is  
11 only mention of unfit for military service. I would like to know,  
12 however, whether there aren't any other mentions of your various  
13 postings.

14 THE WITNESS: [Interpretation] The duties are certainly not  
15 stipulated in that booklet, no assignments, because I leafed through it,  
16 and I changed 15 or 17 duties during that period of time, not only in the  
17 army but other duties, and nobody knew about them to be able to record  
18 them and enter them. And I don't think anybody is interested in doing  
19 that today, either.

20 JUDGE ANTONETTI: [Interpretation] Very well.

21 MR. KOVACIC: [Interpretation] Your Honour, I don't wish to  
22 testify, but the general mentioned just one of the Zagreb municipalities.  
23 I come from a completely different part, and my booklet doesn't exist. I  
24 went to fetch it, and it's disappeared, because the former Secretariat of  
25 the SFRY probably didn't do their job properly and it got lost somewhere.

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1 But I don't think that's important anymore.

2 My colleague, Ms. Nika Pinter, would like to carry on with the  
3 next chapter. We just need two minutes to confer. I don't think we need  
4 have a break. Thank you.

5 MS. PINTER: [Interpretation] Good morning, Your Honours, and  
6 thank you.

7 Examination by Ms. Pinter:

8 Q. [Interpretation] Once again, good morning to you, General.

9 A. Good morning.

10 Q. As far as the examination-in-chief is concerned, I think we  
11 should complete the topic of the presence of the Croatian Army in  
12 Bosnia-Herzegovina that we were discussing. So I'd like to ask you to  
13 open document P00153, please. It's a document which is in an exhibit  
14 already, and I'd like to ask you first --

15 JUDGE TRECHSEL: Please, Ms. Pinter, you see behind us that we  
16 have a mountain of folders. Could you assist us in getting the right  
17 one, please. I see now that ours looks the same as yours. Thank you.

18 MS. PINTER: [Interpretation] Yes, it's the same, and I will give  
19 notice in advance in the future.

20 JUDGE TRECHSEL: Thank you very much.

21 MS. PINTER: [Interpretation]

22 Q. General, I wanted to ask you --

23 THE INTERPRETER: Could Ms. Pinter adjust her microphone, please,  
24 and speak into it.

25 MS. PINTER: [Interpretation]

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1 Q. This is a document issued by Petar Stipetic, and it is  
2 instructions to a major, Mustafa Porobic, and other officers, P00153.

3 A. Yes.

4 Q. Go ahead.



5           A.    What is the truth is -- well, the deputy chief of the Main Staff  
6           of the Croatian Army, Major General Petar Stipetic, says that at the  
7           request of the chief inspector of defence and general -- the  
8           highest-ranking general, should resolve sending part of the officers and  
9           soldiers of the Croatian Army from the operative zone of Rijeka, mainly  
10          Croats and Muslims, ready to go as volunteers to BiH to help the struggle  
11          of the people of Bosnia-Herzegovina, and that this had been accepted by  
12          the top military -- top-ranking military authorities. And this meant 300  
13          to 400 soldiers and officers. And I know for sure that there were more  
14          than 300 Muslims and that they were led by Major Mustafa Porobic, and  
15          that they were going with full military equipment, weaponry and  
16          ammunition, and that what we repeated here 100 times is that they would  
17          retain their rights of BH soldiers -- the rights of HV soldiers and their  
18          monthly salaries. And the important thing is that they cannot wear HV  
19          insignia on their uniforms, nor can they hold other documents used by  
20          members of the HV, the Croatian Army, because that was prohibited.

21                Now, of course, whether orders are carried out, you have a human  
22          being in between the orders that are to be carried out, so there are  
23          people who retain their insignia, did not take their HV insignia off, and  
24          then somebody sees them there, and then they say, Here we have a member  
25          of the Croatian Army fighting in Bosnia-Herzegovina. That wasn't true.

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1           It was exactly as it is set out here.

2           Q.    So they retained all the rights that soldiers of the HV had; is

3 that right?

4 A. Yes.

5 Q. Now look at 3D00 --

6 JUDGE TRECHSEL: Excuse me. Mr. Praljak, you also made a  
7 normative statement. You said that wearing the insignia of HV would have  
8 been illegal. Can you explain why you say this?

9 THE WITNESS: [Interpretation] No, I didn't say "illegal." That's  
10 a wrong interpretation. The order -- a lack of respect for the order.  
11 He said that the order was clear -- I said that the order was clear, and  
12 to respect an a order, in well-regulated armies and not national  
13 uprisings, because this was a popular uprising than anything else at that  
14 time, and of course some people wouldn't obey orders. And if they didn't  
15 obey orders, that's what happened.

16 JUDGE TRECHSEL: Thank you. You do not write this in every order  
17 that you give, of course. Nevertheless, you say it is prohibited. Why  
18 was it prohibited?

19 THE WITNESS: [Interpretation] Well, because when they went over  
20 there, they weren't the Croatian Army; they were volunteers going to  
21 defend their homes. We didn't want the Croatian Army to go there, but we  
22 couldn't prevent individuals from going to help out their families if  
23 their parents were being killed over there. So who's going to listen to  
24 those orders? I would be the first not to listen to them, and I didn't  
25 listen to them.

1           So you can't say, Judge Trechsel, Let them kill you over there  
2 because we have rules and regulations. If those are the rules and  
3 regulations, then I, for one, violate them. But Croatia said --  
4 Croatia's stand was, You're not going there as Croatian soldiers, as  
5 members of the HV. You can go over there of your own free will, you can  
6 stand up to the enemy, your salary will be retained, and that's as clear  
7 as day.

8           JUDGE TRECHSEL: Mr. Praljak, this you have told us many times.  
9 I do not say things. I ask questions. There's a big difference. And I  
10 asked the question because there could be another interpretation; namely,  
11 that Croatia did not want it to be known by people from other sides that  
12 they were sending their troops. You are saying, I suppose, and it may be  
13 something of a legal question, you are saying that this is completely  
14 wrong. There is no question of any wish of Croatia to hide the fact that  
15 soldiers, under the command of a major, whose name is given in the paper,  
16 are sent into Bosnia and Herzegovina.

17           THE WITNESS: [Interpretation] Correct, Judge Trechsel. Just  
18 assume that you came to defend Croatia from Switzerland, for example, and  
19 then somebody happened to attack Switzerland, and then somebody says to  
20 you, You can't go to Switzerland. It was an attack by the Serbs against  
21 the non-Serbs. And I say that we never stated publicly that Croatia  
22 wanted to help the Muslims and Croa -- the defence of  
23 Bosnia-Herzegovina, but that didn't mean that we were sending our army,  
24 but that we were allowing volunteers to go and defend their homes and  
25 thresholds. And I always get a bit upset when this topic is raised, you

1 see.

2 JUDGE TRECHSEL: I know it. Thank you. The comparison with  
3 Switzerland, I'm afraid, is not really very befitting for many reasons.

4 THE WITNESS: [Interpretation] Ha, you could have come, you might  
5 have come.

6 JUDGE ANTONETTI: [Interpretation] General Praljak, in this  
7 document there is a word, "volunteers." So as far as you know, were  
8 there Croats or Muslims in the Croatian Army who said, No, I have no  
9 intention and no desire to go to Bosnia-Herzegovina?

10 Let's look at things military-wise, and, of course, I'm talking  
11 to a specialist here. Did things happen as follows: Say we have a given  
12 unit in the morning, when all the troops are collected and brought  
13 together. The colonel in charge of the unit says -- makes an  
14 announcement, says, We need 300 volunteers. Let's step forward,  
15 everyone. And the group steps forward, and the colonel says, Well, now I  
16 have got my 300 volunteers. Did it happen that way, or did the colonel  
17 tell the troops, You know what's happening in Bosnia-Herzegovina; we need  
18 volunteers; if you want to volunteer, raise your hand? So how did things  
19 happen?

20 THE WITNESS: [Interpretation] None of the two methods described  
21 by you. It was done in a third way, and that is that people on  
22 television or in the papers saw what was going on, and then they  
23 discussed it amongst themselves, for example. They would say, I'm from

24 Dobo, I'm from Tuzla, I'm from some other place. And then they probably  
25 had their families there, their brother, their sister, their houses, and

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1 they would gather together and go to see their commander, and they said  
2 to him, Listen, this is the situation: I'd like to go and fight down  
3 there because I'm coming under threat. And then the person would give  
4 his permission. He would say, Okay, that's the position that's been  
5 adopted. You are discharged, although we'll keep a record of you as if  
6 you're still here. You'll be receiving your salary, and you can go down  
7 there. But you mustn't carry any HV insignia or HV IDs because you're  
8 going to a different country, to another state. And that's how I fled,  
9 that's how I went, in that same way. Who's going to stop me?

10 JUDGE TRECHSEL: Still on the same issue: These people were  
11 clearly put under a command here. How did they travel to  
12 Bosnia-Herzegovina, together under the command or individually? And if  
13 individually, how would they know where to go?

14 THE WITNESS: [Interpretation] A broad spectrum there,  
15 Your Honours. This group around Porobic probably went in that way, in  
16 the group as it was, and then there were individual cases too.

17 But, unfortunately, I didn't finish my answer. There were far  
18 more of those people who were from Bosnia-Herzegovina and didn't want to  
19 go down there and fight, and I was sorry to see that. They stayed on in  
20 Croatia and let whatever happen down there happen. So of the 13.000 who  
21 were from Bosnia-Herzegovina in the Croatia Army, well, in the HVO I knew

22 them all. If there was 600 -- I don't think there was 600. I can cut  
23 off my head if there were more than 600. Sometimes there would be  
24 individual groups. A group would arrive, and they weren't as they should  
25 be. There was a group called Jelen or "deer" in translation, and when I

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1 saw what they looked like and when I checked them out, I sent them  
2 packing. I told the military police to deal with them. I called their  
3 commander and I said, Listen here, mate, unless you leave this territory  
4 within the space of 12 hours, you'll end up in prison. And the military  
5 police gave instructions to deal with them.

6 And there were people, of course, who came as volunteers, who  
7 were not in the Croatian Army. I mean, really, there was the chaos, on  
8 the one side, and then there were guide-lines and instructions that we  
9 gave, on the other.

10 Now, when you have a situation like that, and men will be men,  
11 then various things happened. And if they were seen by observers, this  
12 would be wrongly interpreted.

13 So they would go as this Porobic team went with him, and that was  
14 one of the groups.

15 JUDGE TRECHSEL: And, Mr. Praljak, would you then consider those,  
16 that you threatened with arrest if they did not go, also as volunteers?

17 THE WITNESS: [Interpretation] They were volunteers, but they  
18 were -- well, our services weren't such that I could check them out  
19 fully, but I didn't like the look of them, and I had my suspicions.

20 Their conduct and behaviour was unacceptable. They sort of bragged  
21 and -- anyway, it was my decision, on the basis of my assessments, that a  
22 group like that couldn't be allowed to remain in the territory.

23 You know, in conditions where you have limited access to  
24 information and you have three minutes or half a minute to make your  
25 decision, and you do make a decision, I made my decision, and I stand by

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1 that decision and those decisions, and I stand by them today. And I sent  
2 this lot packing, because I didn't think that they had come with  
3 honourable intentions. It was my own personal decision, and I stand by  
4 it today.

5 JUDGE ANTONETTI: [Interpretation] General, you mentioned 13.000  
6 volunteers. This document shows that among the volunteers, there were  
7 Muslims. Out of the 13.000, approximately, sir, what would be the  
8 percentage of Muslims and of Croats, or possibly of Serbs? I don't know.

9 THE WITNESS: [Interpretation] I don't know whether there were any  
10 Serbs from Bosnia-Herzegovina. But in the Croatian Army there were a lot  
11 of Serbs in Sunja, where I was. There were 20 or so Serbs. The theatre  
12 of war there was very small, you know. I don't know how many Muslims and  
13 how many Croats there were, but I know that recently a list was compiled  
14 by the Muslim community in Croatia. They also established a memorial  
15 cemetery probably close to the mosque in Zagreb, and I believe that you  
16 could learn from them how many Muslims there were. But I'm sure that  
17 there was many more Croats than Muslims. I'm sure of that.

18 I apologise, but there were also a lot of Muslims in the Croatian  
19 Army. The number was very high. I don't know how many there were.

20 However, Your Honour -- please, please, Your Honour, please,  
21 Muslims who were in the Croatian Army from Bosnia-Herzegovina are one  
22 thing, and the other thing are Muslims who had resided and were citizens  
23 of the Republic of Croatia [Realtime transcript read in error  
24 "Bosnia-Herzegovina"] we're talking about two separate groups here.

25 JUDGE ANTONETTI: [Interpretation] Let's speak of the Muslims

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1 in --

2 MS. ALABURIC: [Interpretation] Your Honours, Your Honours, I  
3 apologise for interrupting. I believe that we should correct a mistake  
4 in the transcript. On page 66, line 2, the second group of Muslims  
5 refers to the Muslims who reside and are citizens of the Republic of  
6 Croatia and not of Bosnia-Herzegovina. So the first group are Muslims  
7 from Bosnia-Herzegovina, and the second group are Muslims who are  
8 citizens of the Republic of Croatia. This is what General Praljak said,  
9 and it seemed very important to me.

10 JUDGE ANTONETTI: [Interpretation] That's how I'd understood this.  
11 It's important, indeed, but I had understood.

12 Let's speak of the Muslims in the group of Mustafa Porobic. They  
13 left in April 1992 or May 1992, they left for Bosnia and Herzegovina. As  
14 far as you know, among those volunteers, these are HV volunteers, there  
15 were Muslims. Were there among them people who joined later on, who



16 later joined the ABiH?

17 THE WITNESS: [Interpretation] Of course, I'm sure of that.

18 Immediately upon arriving there, they joined the Army of

19 Bosnia-Herzegovina. They had to join an army. Some joined the HVO, and

20 the others joined the BiH Army, of course.

21 JUDGE ANTONETTI: [Interpretation] Please give short answers,

22 because then I can follow up with very important topics, because you've

23 just said something that is relevant.

24 When the volunteers would leave for Bosnia and Herzegovina, would

25 they be forced to join the HVO units, or were they free to join an HVO

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1 unit or an ABiH unit? Did they do whatever pleased them, or were they  
2 told, You've got to remove the HV insignia, but you have to join an HVO  
3 unit?

4 THE WITNESS: [Interpretation] No, Your Honour. When they arrived  
5 in Bosnia-Herzegovina, they could choose whether they were willing to  
6 join the BiH Army or the HVO. The group in question, as far as I know,  
7 and I know it very well, joined the BiH Army.

8 JUDGE ANTONETTI: [Interpretation] Sir, this group that we have  
9 here, that one joined the ABiH, and what did the Croats do who were with  
10 them? Did they also join the ABiH?

11 THE WITNESS: [Interpretation] I don't know, Your Honour. I don't  
12 know what happened. I believe -- I know that there were over 300 Muslims  
13 in this group and that they went to Central Bosnia and joined the BiH

14 Army there somewhere. I don't know whether all the Croats joined  
15 somebody else or whether they were scattered all over the place. I  
16 believe that not only -- not even the whole group of Muslims joined one  
17 unit of the BiH Army. They actually went to their own villages and  
18 joined the army there. They went in the direction of the villages from  
19 which they hailed. They did not go there as a unit which placed itself  
20 at the disposal of the BiH Army. They scattered all over the territory  
21 under the BiH Army and the HVO, depending on their place of birth and  
22 depending on what they believed should be defended by them.

23 JUDGE ANTONETTI: [Interpretation] At the level of the command,  
24 high-ranking military authorities, as is, by the way, shown by the  
25 document, because it says that the departure was accepted by high-ranking

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1 military authorities or top-ranking military authorities, had it been  
2 envisioned that the soldiers - these are Muslim soldiers - would go to  
3 the ABiH and might possibly return their -- or turn their weapons against  
4 the HVO Croats? Was that sort of situation envisioned, or was everybody  
5 innocent, candid, and they failed to assess the possible consequences of  
6 the action?

7 THE WITNESS: [Interpretation] At that moment on that date,  
8 Stipetic and Spegelj could not think that the BiH Army would conflict  
9 with the HVO. There was no way for them to think that. I was one of the  
10 rare people who knew about the different interpretations of the internal  
11 organisation of Bosnia and Herzegovina which existed on the part of

12 Alija Izetbegovic, on the one hand, and the Croats, on the other hand,  
13 and that this could lead to a conflict. I knew it very early on. I knew  
14 that while we were defending ourselves from the Serbs, we would be  
15 united. But when that was no longer in place, due to the different  
16 political positions with regard to the organisation of  
17 Bosnia-Herzegovina, there would be political conflicts. But the people  
18 that you mentioned certainly didn't know that. They thought that the  
19 Serbs were the enemy, the two other peoples were defending themselves,  
20 and they could not envisage any problems in the future.

21 JUDGE ANTONETTI: [Interpretation] Thank you.

22 MS. TOMASEGOVIC TOMIC: [Interpretation] Your Honour, I apologise.  
23 I would just like to say that on page 64 - maybe my learned friend Pinter  
24 could take Mr. Praljak to that - on lines between 6 and 9 there is  
25 something that is not clear. When he was talking about the unit called

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1 Jeleni, I thought that he had called the commander of the Jeleni group  
2 and told him that they had 12 hours to leave the territory, but it is not  
3 clear whom he called, whether he called the commander of the police or  
4 the commander of the Jeleni group. That's one thing.

5 And the second thing is that the military police had been given  
6 instruction to deal with Jeleni, whereas it was recorded that the  
7 military police provided instructions for somebody to deal with the  
8 Jeleni.

9 I believe that these are major errors in the transcripts which

10 can be clarified in two sentences.

11 MS. PINTER: [Interpretation]

12 Q. General, you heard that?

13 A. Yes, I spoke to the commander of the Jeleni unit and told him  
14 that he had to leave. I asked -- I demanded that  
15 Valentin Coric, the chief of the military police, to remove the unit  
16 Jeleni from the territory of Bosnia and Herzegovina, and that was done.

17 Q. General, following up on Judge Antonetti's question --

18 MR. STRINGER: I apologise for the interruption.

19 This last statement by the general about his communication with  
20 Mr. Coric, could we get the time-frame in which that occurred?

21 THE WITNESS: [Interpretation] In 1993, August or September,  
22 thereabouts. There is a document to that effect.

23 MS. PINTER: [Interpretation]

24 Q. General, we are still talking about P00153. In the first  
25 paragraph of the document dated April 9, 1992, it says why the volunteers

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1 could be sent to Bosnia-Herzegovina, the purpose of their sending.

2 A. Yes, to help the peoples of Bosnia and Herzegovina in their  
3 fight.

4 Q. Thank you very much. And now let's move on to document 3D00443.  
5 The date is 8 April, one day prior to the previous document. This  
6 document was issued by General Major Petar Stipetic. It was sent to the  
7 Operation Zone Split. The document speaks about the position of the

8 Croatian Army, vis-a-vis the departure of the Croatian Army outside the  
9 territory of the Republic of Croatia.

10 A. This is just repetition.

11 Q. Yes.

12 A. This is a repetition of what was said previously, that they can't  
13 bear the insignia. An attack had already been underway in Bosnia and  
14 Herzegovina. And why is there always a reference here to Rijeka and  
15 Split? There were a lot of people there from Bosnia-Herzegovina who  
16 worked in ship-building yards, who were welders and so on and so forth.  
17 And when the war started, they joined the Croatian Army. And at that  
18 moment somebody was destroying their homes, and they wanted to go there  
19 and fight the Croatian political and military authorities, because this  
20 is not happening without the political decision. Stipetic or I could not  
21 do it without ever having consulted with Minister Susak and  
22 Franjo Tudjman, of course.

23 Q. All sorts of assistance is approved by this document.

24 A. Of course.

25 MS. PINTER: With this document and the previous one, I would

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1 like to draw the Trial Chamber's attention to Exhibit 3D0029. I'm sure  
2 you will remember the document. This is the Republic of Bosnia and  
3 Herzegovina or the office of the Republic of Bosnia and Herzegovina,  
4 rather, in the Republic of Croatia, which sent this to the Ministry of  
5 Defence of the Republic of Croatia --

6 [Overlapping speakers]

7 MS. PINTER: [Interpretation] I did say the number. It is 3D --

8 JUDGE PRANDLER: I'm sorry, Madam Pinter, to interrupt you, but I  
9 would like to ask a question about the previous document, which was  
10 document 3D00443. You submitted it before. My question is the  
11 following, and, of course, I asked you the question from Mr. Praljak.  
12 The very first sentence of this message, or rather, kind of comment, in  
13 my view, it says, and I quote:

14 "The formation systems of the Croatian Army are not valid outside  
15 of the territory of the Republic of Croatia."

16 So I believe that it is an important sentence, because the  
17 formation systems of the army, meaning that the units, how they were  
18 organised, et cetera, are not valid outside, of course, Croatia, but why  
19 should it be included, I mean this comment, why should it be included in  
20 that very message or comment by the commanding officer, the  
21 Petar Stipetic, if those units were anyway volunteers who went to  
22 Bosnia-Herzegovina to help? But in that very sentence, I feel that that  
23 was a kind of very determined comment that they should not look like the  
24 regular units of the Croatian Army.

25 So my question is if that particular sentence, and the whole

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1 text, as a matter of fact -- because, for example, the third sentence  
2 speaks about the following: That the men cannot carry the HV insignias  
3 or any of the documents which we already talked about before. So I would

4 like to seek for further clarification on this very matter. Thank you.

5 THE WITNESS: [Interpretation] Thank you, Your Honour

6 Judge Prandler. This is really very important, the formation or the  
7 establishment system of a unit, a company, a battalion. And here  
8 General Stipetic says that you can't send an establishment system. You  
9 accept the volunteers, you give them what you will, and then they should  
10 go there and they should establish their units within the HVO and the  
11 BH Army. Namely, let me explain, there were occurrences, especially in  
12 Posavina that appeared as a problem, that a lot of people were in the  
13 Croatian Army look here from the defence, because they were from  
14 villages, they had salaries, and so on and so forth. And those same  
15 people, and especially those around Slavonski Brod, most of them in the  
16 unit, for example, were from Bosnia and Herzegovina, and maybe even their  
17 commander was from Bosnia and Herzegovina. And then what happened, which  
18 we're going to see in the following document, what happened was that the  
19 commander would say, I order my men to go to Bosnia and Herzegovina. Of  
20 course, maybe 70 or 80 percent of the unit who hailed from there, and  
21 30 percent were their comrades, and he therefore asked for the whole unit  
22 to go there with or without insignia. This should not have been done.

23 You will see later on that there is a suit raised, and there is a  
24 warning here, you can't send a single establishment unit of the Croatian  
25 Army; you can send volunteers who will then join the military forces of

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1 Bosnia and Herzegovina, but you can't send the whole unit. In the

2 following text, I will explain that partially.

3 Ms. Nika, maybe you can move on to that.

4 JUDGE ANTONETTI: [Interpretation] One moment, General Praljak.

5 The question put by my fellow Judge is a relevant one. And you admitted  
6 yourself that the sentence was important, so that's why I want to revisit  
7 it.

8 It is said that the formation systems of the Croatian Army are  
9 not valid outside of the territory of the Republic of Croatia. This is  
10 the initial sentence in the text. Very well. In order to understand my  
11 question, let us take the example of the NATO forces currently stationed  
12 in Afghanistan. If you have British units that are incorporated in the  
13 NATO forces, then the NATO rules will apply. If you have French troops,  
14 then the NATO rules will apply, in principle. But here, don't we have  
15 the same principle? Is this not to recall the military in the  
16 Croatian Army that from then on, because they are volunteers and they're  
17 going to go somewhere else, the Croatian Army rules do not apply, but  
18 probably other rules and operation that they have to comply with? Is  
19 this, to confirm a principle, a principle with consequences; namely, that  
20 there is no more control? What do you think of this?

21 THE WITNESS: [Interpretation] I know there is a provision in the  
22 Constitution, that was passed in a non-military spirit, that a Croatian  
23 soldier, as a Croatian soldier, as part of the establishment of the  
24 Croatian Army, must not engage in fighting outside of the borders of the  
25 Republic of Croatia. It was a provision in the Constitution of the



1 Republic of Croatia, and Minister Susak, in his TV show, actually said  
2 this in public.

3           However, second thing, at the time and at no point later --  
4 Izetbegovic, up until 1995, refused to sign a military agreement, because  
5 NATO goes to places where they have agreements with the army -- with the  
6 government. In Afghanistan, NATO has an agreement with the government  
7 there, and then there are units of the Croatian, German, French Army, I  
8 don't know -- okay, maybe not French, but English Army which are all  
9 covered by that agreement, and this could not be done here.

10           Some commanders, for some reasons, because his house is on fire  
11 there and he wants to take his whole unit there, drafted orders to that  
12 effect. One of those was the major general, and then Franjo Tudjman  
13 demanded that this whole thing be investigated and that he be prosecuted.  
14 It was crystal clear, and you will see from the document where  
15 Mr. Bozo Budimir, a major general, is being indicted because he issued an  
16 order to a unit to move into the territory of Bosnia and Herzegovina. He  
17 was not allowed to do that. He could do one thing, go there, join the  
18 HVO or the BH Army, as we said, under two bases; first of all, because it  
19 is unconstitutional and, secondly, because there was no military  
20 agreement. The military agreement that existed later made it possible  
21 for the army to operate in the border areas. The Croatian Army was  
22 allowed, and that is why I found it strange that the Americans were  
23 complaining and telling the HVO to move out of these areas, because in  
24 accordance with the Tudjman-Izetbegovic agreement, in the border areas

25 the Croatian Army could take part in the joint defence effort. But if

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1 the order came to pull them out, well, they were pulled out.

2 MS. PINTER: [Interpretation] Let us wrap up this topic --

3 JUDGE TRECHSEL: I'm sorry. This I consider, as my colleagues  
4 do, a central issue, really. I have two questions still with regard to  
5 this document.

6 The first is: I note that the second sentence is:

7 "The departure of volunteers," and I stress, "organised in  
8 adequate units, is granted."

9 So here, at least, we have not a source which would allow  
10 individuals, on their own volition, to go into Bosnia and Herzegovina and  
11 look around and see with whom they would like to fight. Is there  
12 something else, another order that provides for this, or legislation?  
13 And I'll put the other question afterwards.

14 THE WITNESS: [Interpretation] Your Honours, you always have to  
15 draw this distinction in our parts between principle and what could be  
16 implemented and the extent to which things were violated. Here,  
17 General Stipetic talks about the gathering in the Imotski Sector and  
18 engagement in accordance with the plan of the group.

19 THE INTERPRETER: Interpreters note, could the accused please  
20 speak into the microphone. The interpreters cannot hear him.

21 THE WITNESS: [No interpretation]

22 THE INTERPRETER: The interpreters could not hear the accused

23 while he was not speaking into the microphone.

24 THE WITNESS: [Interpretation] At that time in that area, and  
25 partially in Posavina, one thing does not exclude the other. If groups

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1 are formed, send them there in accordance with the operational plan.

2 THE INTERPRETER: Interpreters note, we really cannot hear the  
3 speaker.

4 THE WITNESS: [Interpretation] These are the plans that you saw  
5 with General Tokic.

6 THE INTERPRETER: Microphone please.

7 JUDGE TRECHSEL: You cannot be heard, either.

8 MR. STRINGER: You're hearing anyone say -- the interpreters say  
9 that they're not able to hear the general when he's not speaking into the  
10 microphone. Everything he's been saying at the map has not been recorded  
11 because they're not hearing it.

12 MR. KARNAVAS: Maybe he will need to repeat it. Repeat again.

13 MS. PINTER: [Interpretation] No, just a moment, General. Perhaps  
14 it would be much simpler if we could put the map into e-court, and then  
15 the general won't have to turn around. He will be facing the microphone.  
16 So could we please have 3D03545.

17 THE WITNESS: [Interpretation] While we're waiting for it,  
18 Judge Trechsel, I can tell you it's not either units or individuals, it's  
19 both. So there were many more cases involving the individuals going  
20 there, but right at the beginning --

21 JUDGE TRECHSEL: I'm sorry, Mr. Praljak, I'm quite aware. You  
22 have said so before. But here we have a document, and the document only  
23 supports one part of it. My question was: Is there any other document  
24 or did not one take the law or the order very strictly? I don't think a  
25 map is needed.

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1 THE WITNESS: [Interpretation] Well, Judge Trechsel, law was  
2 complied with most strictly. We tendered documents from Split, from the  
3 Muslim organisation there, that sent hundreds of people into Croatia  
4 based on the same principle, and this has been explained in detail. This  
5 document speaks only about one segment, and that is if there are  
6 volunteers, they would be mostly from -- well, I don't know, that they  
7 should be deployed from Imotski to defend Livno and to carry out the  
8 breakthrough, to stop the JNA and the Republika Srpska Army at the  
9 beginning of the war, in accordance with the maps and the intentions, as  
10 indicated and as I showed with General Cokic.

11 MS. PINTER: [Interpretation]

12 Q. Now we have the map here.

13 A. Well, these are the axes of the attack, as anticipated, where  
14 Croatia must not send its troops for the defence. Well, Mostar is  
15 here [indicates] and Imotski [indicates] is there. So Imotski-Mostar.  
16 So they say, If you have a unit, send it to Imotski, and accordance with  
17 the plan --

18 Q. General, no, we can't see anything.

19 A. Well, then if you can't see it, there's nothing to be done about  
20 it. But we don't really need the map. The map is not really necessary.  
21 It just complicates matters.

22 At this point, Stipetic is saying that the volunteers from  
23 Croatia -- well, he probably had somebody. He says, Well, it is expected  
24 that personnel would come from other units of the HV. So it's personnel,  
25 not units. People. And then they have to be organised. And in this

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1 part -- the first part, where the defence had to be set up from Livno and  
2 that area, they had to be sent there to assist in the defence against  
3 this first assault. It is quite clear the Croatian Army is not allowed  
4 to go --

5 JUDGE TRECHSEL: Thank you. I have a second question, and it  
6 refers to the last two words, "they are to be engaged according to the  
7 plan of the operative group." Could you explain to the Chamber what it  
8 has to understand? What is this operative group that decides on where  
9 these volunteers are engaged? It obviously shows that they do not go  
10 where they think it would be nice, or fit, or where their mother lives,  
11 or something like that, but they are in the hands of an operative group  
12 which tells them where to go. That's what the text -- that's how I read  
13 this text. Maybe I'm wrong.

14 THE WITNESS: [Interpretation] You are wrong, Your Honour.  
15 General Stipetic at that time doesn't really know what's going on down  
16 there. He is not familiar with it. He didn't go down there. And it is

17 a typical response of a trained officer, who says, Well, probably there  
18 is an operative group, and then let's do it in accordance with the plan  
19 of the operative group. There was no operative group on the 8th of  
20 April. I arrived there on the 10th of April. General Petkovic came on  
21 the 14th, and then it was only later that he was appointed the chief of  
22 the Main Staff. What operative group? Well, I don't know whether it  
23 existed or didn't exist. Of course, there was the Operational Zone  
24 Split. But for any operative group to exist -- well, later on, at the  
25 time when I came there, and among other things according to -- it was

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1 under my demands for people to go there to prevent the attack that I was  
2 talking about, General Roso came to this area facing Livno, and then he  
3 was followed by General Gotovina. I was replaced by somebody else, and  
4 General Petkovic was down there at all times.

5 So it's just a military term. He, as a trained soldier, as a  
6 trained officer, he said, Well, probably there must be some operative  
7 group. But there were no operative groups down there. There were  
8 operational zones where everyone -- and I will, in the course of my  
9 testimony, show to you what operational zone really was, in actual fact.  
10 It was just an uprising. It was just an insurgency on the part of the  
11 people, and it takes months and months --

12 JUDGE ANTONETTI: [Interpretation] It's now 12.30. We need to  
13 have our second and last break. We'll break for 20 minutes.

14 --- Recess taken at 12.33 p.m.

15 --- On resuming at 12.53 p.m.

16 JUDGE ANTONETTI: [Interpretation] The court is back in session.

17 MS. PINTER: [Interpretation] Thank you, Your Honour.

18 Q. General, could you please look at document 3D00453. This  
19 document has already been admitted into evidence. It's a document that  
20 you, yourself, signed, so could you please tell the Judges what this is  
21 all about and how this document came into being.

22 A. Of course I can. This document was engendered by the problems  
23 that cropped up. At that time, Croatia, so from the 3rd of January --

24 Q. It's the 31st of August.

25 A. No. I'm saying on the 3rd of January, Croatia signed the

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1 cease-fire.

2 Q. What year?

3 A. 1992, but then the war broke out in Bosnia and Herzegovina, and  
4 the great problem -- the general position taken by the politicians and by  
5 the army, the command of the Croatian Army, was clear as to who and how  
6 and in what way can go to Bosnia and Herzegovina. But soldiers are human  
7 beings, in particular in the kind of army that we had at the time, and  
8 those human beings act -- well, they have this burning problem. The  
9 Serbs were attacking fiercely. Just before Bosnian Posavina fell  
10 completely, there was fierce fighting there with a huge number of  
11 casualties, so there was fighting involving the HVO, with many Muslims in  
12 its ranks. It was a mixed army.

13 Q. Could you please face the microphone.

14 A. Those people who were in this operational zone of the Croatian  
15 Army [indicates], among those soldiers serving in the Croatian Army there  
16 were many people who had joined the Croatian Army from Bosnian Posavina.  
17 I was there in early July 1992, and I know for a fact what it looked  
18 like.

19 For instance, there was the 139th and 157th -- or 137th and 159th  
20 Brigade of the Croatian Army, with 70 percent of the personnel from  
21 Bosnian Posavina, and they did not want to cross the Sava River. I  
22 talked to them. Half of them wanted to cross, half of them didn't want  
23 to cross. The commanders demanded that they should cross, saying that  
24 that part -- that area had to be defended because it would render Croatia  
25 much more difficult to defend. Of course, this was not in accordance

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1 with the instructions. Of course, in this document they say clearly some  
2 are -- some members issued orders for the river to be crossed, in  
3 contrary to all the rules that were in place. And I say that military  
4 judicial organs would take appropriate action. We'll see what kind of  
5 action. Of course, I agreed, these are human beings, everything is on  
6 fire, there is a war going on.

7 I can't explain this in simple terms, but I fully agree with the  
8 position that Croatia has its interests in Bosnian Posavina. It's the  
9 border area, there are many Croats living there at the time, and in any  
10 time. And we are aware of the fact that some other operational zones



11 faced the same problem. But the Republic of Bosnia and Herzegovina is a  
12 foreign country. We do have our vested interests there, but it is a  
13 foreign country. And the defence minister confirmed that in a televised  
14 interview. So repressive measures should be taken. Of course, they're  
15 angry because people do not want to comply, they don't want to cross,  
16 some of them don't want to cross, invoking the Constitution and other  
17 legal documents. So what should I then propose, but to have a dialogue  
18 and to discuss this issue, the fact that Chetniks are going to destroy  
19 everything, that we would have a new Vukovar. Everything that we knew  
20 would happen, and that really happened, and that this should be resolved  
21 through dialogue, through providing explanations that this cannot simply  
22 be cut off, just like that.

23 In the French Army, there would be an order, and the troops would  
24 obey. That's as simple as that. But here it wasn't as simple as that,  
25 because it was not the kind of army that France or England have. Those

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1 were soldiers of a different kind. Well, it's simply difficult to  
2 explain. It was a different kind of a war. People were all mixed  
3 together from various places, and this was the inevitable result.

4 So I proposed that only volunteers could be sent, that  
5 questionnaires should be sent out, and perhaps solutions should be found  
6 whereby soldiers would be offered three- or six-month contracts, and then  
7 under that contract they would have the status of a professional soldier.  
8 But this is something that the Personnel Administration should deal with.

9           So this was a very intense war. There was fighting all over  
10 Croatia, a great number of casualties in Slavonski Brod. More than  
11 500 children were being killed. And a whole series of human interests  
12 were present there, and they were present in the army, and they were  
13 conflicting interests, because people had their families, people serving  
14 in the army. And, unfortunately, it couldn't be dealt with in the way in  
15 which it would have been dealt with in the US Army or in the French Army;  
16 this is how it should be done, and this is how it's going to be done.

17       Q.    General, could we please look at 3D017 --

18           JUDGE ANTONETTI: [Interpretation] General Praljak, in the last  
19 paragraph we see a reference to contracts, to a contract. So is it the  
20 three- to six-month contract signed with the Republic of Croatia, or is  
21 it concluded with the Republic of Bosnia-Herzegovina, HVO, or ABiH? Who  
22 is the other party signing the contract? On the one hand, we've got the  
23 volunteer soldier. Fine. But who is the other party to the contract?

24           THE WITNESS: [Interpretation] Croatia, Bosnia-Herzegovina -- not  
25 Bosnia-Herzegovina, or the HVO, or anybody else had a contract with the

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1   soldier; nothing.

2           JUDGE ANTONETTI: [Interpretation] You say Croatia. Fine, but  
3 then there's something I don't understand. Let's assume that we have a  
4 soldier from the Croatian Army. He's in Zagreb, stationed in a unit  
5 somewhere in Zagreb, and he's a volunteer. He gets his pay and says, I  
6 want to volunteer. Is this the moment where he will sign a new contract

7 with the Republic of Croatia, even though he already is paid, he's  
8 already on the payroll? How does this happen?

9 THE WITNESS: [Interpretation] Well, there were contracts between  
10 soldiers and the Croatian Army about the professional status, only for  
11 guards brigades, not for the rest. In other words, while he was there,  
12 mobilised or whatever, he would receive a salary. As soon as, for some  
13 reason, he stepped down, he forfeited his salary. And here the proposal  
14 is to offer up a three-month contract to volunteers, because he could  
15 say, I want to go there, but as soon as I go, my family will be left  
16 without a livelihood. So I would like to go, but provide me with an  
17 agreement or contract of some kind; first of all, if I am killed, that  
18 they receive state benefits. So that would be a kind of contract for a  
19 three-month period or a six-month period, because people had to deal with  
20 questions of livelihood. But with Croatia, not with anybody else. They  
21 could just sign these contracts with Croatia.

22 JUDGE ANTONETTI: [Interpretation] Thank you, this very clear.

23 MS. PINTER: [Interpretation]

24 Q. Perhaps this is an opportune moment, General, for us to go  
25 back --

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1 JUDGE TRECHSEL: I also have a question. I seem to understand,  
2 but I always stand to be corrected, that the war you were speaking about  
3 here was the Muslim and the Croats together against the Serbs. Now,  
4 there has been an allegation in the indictment of Croatian troops in

5 Bosnia-Herzegovina fighting against the Muslims, and there the issue of  
6 international armed conflict arises. But does it arise in any way -- is  
7 there any problem if Croatia sends her troops, with the consent of  
8 Bosnia-Herzegovina, into the territory of Bosnia-Herzegovina to fight the  
9 common enemy, which then would be an international armed conflict that  
10 exists anyway between Croatia and Bosnia-Herzegovina, on one side, and  
11 the Serbs on the other side? If you could explain.

12 I seem to sense that Mr. Karnavas would like to jump up and  
13 explain it all, but I must ask the witness, of course.

14 MR. KARNAVAS: I don't want to explain it. I'm a little bit  
15 puzzled, Your Honour --

16 THE INTERPRETER: Microphone, please.

17 MR. KARNAVAS: I'm a little bit puzzled by the question,  
18 Your Honour, only on the sense -- I think it's a very good question.  
19 Don't get me wrong.

20 JUDGE TRECHSEL: You can expect that from me.

21 MR. KARNAVAS: Well, I can be surprising at times. But it does  
22 seem to -- you seem to be requesting a legal opinion at this point in  
23 time. Based on the question itself, one could interpret that question to  
24 be eliciting a legal opinion from a layperson.

25 Now, I suspect, you know, the question, as you wish to put it, is

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1 whether it was his understanding, given that he's indicated that he  
2 studied some law, but otherwise it would appear that you're asking a

3 question that is best put to an expert.

4 JUDGE TRECHSEL: You certainly have a point there, and it goes  
5 against my own attitude if I ask a legal question. Maybe I withdraw the  
6 question.

7 But I want to correct the transcript on line 14, on page 84.  
8 What I was saying a bit jokingly is I was putting it to you that you did  
9 not expect me to ask a very good question, but that was meant as a joke,  
10 and it needs no further intervention. Thank you.

11 Excuse me, Ms. Pinter.

12 JUDGE ANTONETTI: [Interpretation] General Praljak, just a minute.  
13 My fellow Judge is withdrawing this question, but I'd like to come back  
14 to it, because he said something very important, something that I had  
15 neglected to see up until now.

16 We see this volunteer system, which you have described, and I'm  
17 sure that the Prosecutor and during the cross-examination will shed light  
18 on this and bring his own opinion to this. But my fellow Judge addressed  
19 a very important issue, I believe.

20 There is a conflict going on against the Serbs, so could you tell  
21 us why it is that the Republic of Croatia and the Republic of  
22 Bosnia-Herzegovina, in the framework of a partnership or cooperation, did  
23 not officially start fighting against the Serbs, but in an official  
24 manner and jointly, then the Croatian Army could have officially crossed  
25 the border in order to go help out, if I could say so, the ABiH in the

1 struggle against the common enemy? Why was this not done?

2 THE WITNESS: [Interpretation] Because Mr. Alija Izetbegovic  
3 didn't agree to that. On the Croatian side, a proposal of that kind was  
4 put forward, it existed, because there was a joint enemy, a common foe  
5 with a clear-cut strategic goal, and we were to stand up to a common foe  
6 together, jointly.

7 However, if, Your Honour, you go back to the facts and look at  
8 them - and I'm going to demonstrate that in due course -  
9 Alija Izetbegovic tried to reach a historical agreement with the Serbs,  
10 and by the village of Ravno he said, It's not our war, that a few days  
11 before Sarajevo - and I'm going to show documents to bear that out - was  
12 bombed, he said, There won't be a war because you need two to tango, two  
13 to enter into a war, and they weren't in favour of a war. So he claimed  
14 several times, and we saw a document to this effect, that the Yugoslav  
15 People's Army would ensure peace in Bosnia-Herzegovina, the gentleman  
16 whom I know, and I respect him on many counts, but quite simply either  
17 didn't want to understand, or couldn't understand or whatever, what it  
18 was all about. He thought that the war -- he would be able to avoid a  
19 war. And he refused to enter into an agreement of that kind, the kind  
20 that you have just mentioned, a military cooperation, right up until  
21 1995. When he signed it in Split, it was only then, pursuant to that  
22 agreement, that it was possible for the Croatian forces, after Knin, to  
23 move to, say, Bihac and move on towards Banja Luka, and join up with the  
24 BH Army and the HVO to liberate this entire area. Unfortunately, he  
25 signed this in the summer of 1992. He only signed an agreement on

1 borders, and we're dealing with borders here. That's what the agreement  
2 related to, and that is why all these different interpretations arose as  
3 to whether you could issue an order to cross the border for a 20 or 30  
4 belt to refute the Serb artillery that was targeting Croatian towns,  
5 Slavonski Brod, and so on.

6 JUDGE ANTONETTI: [Interpretation] Very well. What you're saying  
7 is important. He did not want the Republic of Croatia to officially  
8 enter into Bosnia-Herzegovina to help out. But he knew there were  
9 volunteers, so implicitly he accepted the fact that Croatia would help  
10 through these volunteers that were sent.

11 THE WITNESS: [Interpretation] Correct. Then, at that time,  
12 during that period, he already realised the mistakes that were made, and  
13 this is logical. He began taking in people from the Islamic world,  
14 because when he was placed in this situation, any aid he could get was of  
15 fateful importance to his people. Of course, the people who came in, for  
16 example, from the Islamic countries, and we refer to them later as the  
17 Mujahedin, it didn't say on their forehead what kind of people they were.  
18 He was facing a terrible defeat, so he took the hand offered to him.

19 Now, what they did later on, we can't criticise that now, because  
20 it was -- he was catching at straws at that particular point in time.

21 And at this time, Alija Izetbegovic from Zagreb, together with  
22 his whole entourage, arrived in Slavonski Brod and asked, because it  
23 was -- he was already on the brink of destruction, whether he could send

24 an army from Bosnia-Herzegovina, and that, of course, was completely --

25 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, each time you're

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1 answering, you're opening doors to new important issues. You say that he  
2 brought in the Mujahedins because he had no other way out, given the  
3 situation, which is what you just said.

4 THE WITNESS: [Interpretation] No, no.

5 JUDGE ANTONETTI: [Interpretation] If not, please tell us what you  
6 said, because this is what I thought I understood. I thought you said  
7 that given the situation -- so please tell us what you said.

8 THE WITNESS: [Interpretation] He did not accept the Mujahedin,  
9 but volunteers. He took in volunteers. Later on, it transpired that  
10 they came to fight for the Islamic cause and to disseminate Islamism.  
11 But, you see, when somebody is offering you a hand, you grab hold of that  
12 hand, and you don't know who the hand belongs to. It might belong to  
13 Hitler, but at that point in time you just see the hand being offered to  
14 you, the helping hand.

15 So what I'm saying is that most probably Izetbegovic did not know  
16 what the Mujahedins would bring with them. He accepted assistance. He  
17 accepted everything from Croatia and from others too, because he was in  
18 this catastrophic situation, militarily speaking. The Serbs were about  
19 to take Sarajevo, and I don't know how Bosnia and Herzegovina would have  
20 survived had that happened, notwithstanding the international recognition.

21 JUDGE ANTONETTI: [Interpretation] Very well.



22 MS. PINTER: [Interpretation] Thank you, Your Honour.

23 Q. General, I'd like to discuss document 3D00299 now, please. I  
24 don't think you have it in your binder. It's already an exhibit. But  
25 when I put the document to you, I'd like to ask you how this was possible

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1 when I put it to you.

2 Now, you can see the document on the screen in front of you. It  
3 is a letter sent to the Ministry of Defence of the Republic of Croatia.  
4 The date is the 4th of January, 1993. It is signed by  
5 Colonel Hasan Efendic, who was the secretary for military affairs,  
6 attached to the Office of the Republic of Bosnia-Herzegovina in the  
7 Republic of Croatia. And in that letter, Colonel Hasan Efendic asks the  
8 Ministry of Defence permission for the purposes of the armed forces of  
9 the Republic of Bosnia-Herzegovina to engage officers of the Croatian  
10 Army; and they were Ismet Avdic, who was a colonel, Ahmet Puskar, who was  
11 a major and who was in Dubrovnik, engaged in the defence of Dubrovnik,  
12 and Dr. Sadik Rakanovic, who was also a colonel. Furthermore, in this  
13 request it says that the status of these officers would be resolved as  
14 had been the case thus far; that is to say, their status would be put on  
15 hold. They would enjoy all the benefits as officers of the Croatian  
16 Army. And once they had completed their assignment, to enable them to  
17 continue their engagement in the Croatian Army.

18 I'd now like to ask you to explain to the Court how that was  
19 possible.

20 A. Ms. Pinter, it wasn't -- it wasn't that it was possible. That's  
21 how it was. And that's what I'm saying throughout. Bosnia-Herzegovina  
22 had its representative offices in Croatia. We see we had this military  
23 office in Croatia, and later on you'll be able to see that it had branch  
24 offices of the Main Staff of the BH Army for logistics in Zagreb, having  
25 been given permission from the Croatian government, of course. So it's

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1 all quite clear, it's crystal clear.

2 If you look at the basic premise, they talked to these people,  
3 these people said, Yes, we're ready to go and help out, but hold our  
4 status on hold, keep our status on hold, because when we come back, we'll  
5 take it up again.

6 And two days ago, when I was talking about Jasmin Jaganac [phoen], he was  
7 in the war, he was in Mostar, and he went back to the Croatian Army.

8 That was a rule. Assistants of the Republic of Croatia took that form;  
9 they said, Volunteers, you can go, your status will be retained. If  
10 you're not killed, come back and you can take up your status. If you are  
11 killed, your family will enjoy all the benefits and rights befitting a  
12 Croatian soldier, just in the same way as if he had been killed in the  
13 defence of the Republic of Croatia. And that's what the situation was  
14 like throughout, in all its aspects.

15 Q. And those three people were Bosniaks, were they, Muslims?

16 A. Yes.

17 Q. Very well, thank you. Let's move on now, and I'd like to show a

18 video. 3D03127 is the number.

19 JUDGE ANTONETTI: [Interpretation] General Praljak, of course this  
20 document deserves our in-depth scrutiny. Obviously, the Republic of  
21 Bosnia-Herzegovina is asking for three officers of the Croatian Army to  
22 be assigned so that they can actually work within the Army of  
23 Bosnia-Herzegovina. They're doing this on January 4th, 1993. We were  
24 reading this document, I was listening to the question put to you by your  
25 counsel and your answer, and I could only make the connection with what

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1 happened in Prozor in October -- what had happened in Prozor a few weeks  
2 earlier in October/November.

3 If the high authority of Bosnia-Herzegovina is sending this  
4 demand, even though they knew what had happened in Prozor, what could  
5 they infer as to what had happened in Prozor regarding this? It was just  
6 a skirmish, or was it an incident that was to be integrated within the  
7 plan? What can you say? We know that you were in Prozor.

8 THE WITNESS: [Interpretation] A local incident -- this was a  
9 local incident, and here, when I am going to talk about that, when I went  
10 there to calm the situation down there, and then I went on to go to  
11 Uskoplje, I had been asked to go there, and I can't really be sure  
12 whether -- or, actually, Mr. Izetbegovic was there during one of the  
13 requests. Franjo Tudjman was there both times, and they were imploring  
14 me, Praljak, go, please. At one of them, the president told me, Praljak,  
15 go there. We don't want a war with the Muslims. Please try and calm

16 them down. It was a local incident.

17 After that, I stayed in Central Bosnia for a long time, and in a  
18 month and a half, in the territory of Konjic, Rama, Uskoplje, Travnik,  
19 Novi Travnik, in the defence of Travnik from an onslaught of Serbs after  
20 the fall of Jajce, I managed to calm the situation down to a large  
21 extent. However, the fuel was rekindled. Things went step by step. The  
22 fire was rekindled. The negotiations went through. It was an organic  
23 development, and things went from bad to worse. And all the time up to  
24 the 30th of June, and even after Jajce, I'm going to show it crystally  
25 clear. In my engagement there was a will -- there was a desire and a

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1 hope that we would avoid a conflict, that we would not be attacked, and  
2 that was again a limited -- Croatia, not then, you will see later on when  
3 we come to that, in the summer of 1993, allowed the staff of the BiH Army  
4 to establish its logistics centres in Zagreb, Rijeka, and Split, to work  
5 in the territory of Croatia. We gave them everything, although the  
6 conflict in Central Bosnia and in Konjic had already been underway, there  
7 had been already initial conflicts with Mostar.

8 Q. General, just for record, when you said all that was up to the  
9 30th June, what year was that?

10 A. 1993.

11 Q. I apologise. We have to have a clear temporal framework. You  
12 continued talking about Jajce. That's why --

13 A. Thank you, thank you. No, no, no, that's when the conflict was

14 already clear. But even after that, the Republic of Croatia did not  
15 change anything with regard to the assistance to the BiH Army, nothing.  
16 It became a bit more difficult to implement and transport the weapons  
17 over there. However, nothing changed in the general approach to the  
18 whole matter.

19 Q. Now I'm going to ask the Court to produce video 3D03127. And,  
20 General, I'm going to ask you once the video is over, to provide your  
21 explanation, but let's first look at the video and listen to what it  
22 says.

23 Can you tell us who --

24 MR. STRINGER: Is there an exhibit number for this,  
25 Mr. President?

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1 MS. PINTER: [Interpretation] Yes. 3D3127. It's already on the  
2 record.

3 We seem to be having a problem with the technical issues.  
4 There's no sound. Unfortunately, we will not be able to run the video at  
5 the moment.

6 Q. General, while we are waiting to see what happened: You are familiar  
7 with this. This was a show "U krupnom planu" on the Croatian Television.

8 A. Yes.

9 Q. Who were the guests on that show?

10 A. This is Gojko Susak that we see. Now, there was also  
11 General Lucic, there was myself, and a few other from the Personnel

12 Administration who answered some other questions, and so on and so forth.

13 Q. Very well.

14 A. And there were people from Social Welfare as well.

15 Q. Do you remember what was the topic of your discussion on that  
16 show?

17 A. All sorts of issues were on the table; the rights of the Croatian  
18 Army, looking after their welfare.

19 Q. Do you know that there was also a reference made to the departure  
20 of the Croatian soldiers to Bosnia-Herzegovina?

21 A. Yes.

22 MR. STRINGER: [Previous translation continues]... a leading  
23 question. If we could just -- if we're going to listen to the video,  
24 that's fine. Otherwise, perhaps, we should just move on and come back to  
25 it, because it's not very helpful at this point.

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1 JUDGE ANTONETTI: [Interpretation] Mr. Stringer seldom intervenes,  
2 but when he does so, it's always for a good point. Indeed, if you're  
3 going to run the soundtrack, no use in putting a question before, unless  
4 you give it up.

5 MS. PINTER: [Interpretation] It depends on the technical service,  
6 whether we're going to see it or not. It's not up to us. Unfortunately,  
7 we still don't have any sound.

8 Q. General, while we're waiting for the sound to appear, just one  
9 question. When this show aired, do you remember, can you remember?

10 A. That aired either in July 1992 or maybe the beginning of August,  
11 somewhere around that time. I can't be really sure of the exact time,  
12 but I know that it was after my return from Bosnian Posavina.

13 [Video-clip played]

14 THE INTERPRETER: Interpreters note that they don't have the  
15 transcript of the video.

16 MS. PINTER: [Interpretation]

17 Q. There is also an explanation provided by the minister to  
18 explain --

19 [Videotape played]

20 MS. PINTER: [Interpretation] Let's stop there.

21 THE WITNESS: [Interpretation] What should be said about this part  
22 is this: People ask why the Croatian Army does not intervene in Bosnia  
23 Posavina, knowing fully well that from Bosnia and Posavina, from the  
24 occupied part, the Serbs are pounding and killing people in the areas  
25 around the Croatian border. And Susak says, We're doing what we can, and

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1 we assist as much as we can.

2 The second question was -- or the second part of his answer was  
3 this: Croatia is not in a war, Croatia has just signed a cease-fire.  
4 And there was also a question coming from a mother whether a soldier, a  
5 Croatian soldier who refuses to cross the border and go to Derventa, will  
6 be punished, and he says, No, and explains. President Franjo Tudjman,  
7 himself, and a few high-ranking officers spelled it out very clearly.

8 Volunteers who hail from the territory of Bosnia-Herzegovina, and also  
9 others who want to volunteer and go of their own will to fight against  
10 the enemy, who is common, Croatia had signed a cease-fire, but war did  
11 not end with that. They could go under the conditions as specified  
12 herein, and nothing clearer then could be said. This was the state  
13 policy, and the state policy also dictated the position of the army.

14 MS. PINTER: [Interpretation] Just for the information for the  
15 Trial Chamber, the transcript in English of Minister Susak's answer bears  
16 the following number: 3D41-0682 and 3D41-0683.

17 Q. General, I would now like to go on working, and I would like to  
18 ask you to tell us something about a document that you already mentioned.  
19 3D00963 is its numbers -- number. And together with this document there  
20 is also 3D01719. The first document, 3D00963, is a decision by the  
21 president, Dr. Franjo Tudjman about the appointment of a commission that  
22 would investigate some of the actions and orders issued by General Major  
23 Bozo Budimir. Have you got it?

24 A. Yes. Here, under item 1 of this request issued by the supreme  
25 commander, it says as follows: Why did the major general make a decision

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1 and issue an order to send the 57th Independent Battalion to  
2 Bosnia-Herzegovina, to Bosnian Posavina? He never had such an authority  
3 from the Main Staff. There are some other things here, but I believe  
4 that this is one of the things -- one of the calls for an investigation  
5 of that case. This person was the commander of the operation zone in



6 Sisak, and he was my commander when I was in Sunja. He is a wonderful  
7 man, a former officer of the JNA, but he was full of desire to fight. He  
8 wanted to fight the JNA and the Army of Republika Srpska, and he breached  
9 a previous order. And he was not the only one. Let's be clear on that.

10 There were a lot of such things going on in Bosnia Posavina, and  
11 things were dealt with in the way that they would be dealt with. He was  
12 called to task and processed, and the others were just called to their  
13 senses through a conversation telling them that they shouldn't do such  
14 things, but that they should follow a procedure. And this was probably  
15 the best way to proceed in such situations, and the principle had to be  
16 respected.

17 However, when people are being killed, when people are dying, for  
18 example, when in a big town you have 28 killed children and in its  
19 broader surroundings some 500 dead civilians, all the commands, all the  
20 laws, assume a different perspective. The perspective changes quite a  
21 lot, as a matter of fact. Where there is death, where there is blood,  
22 dead children, all that creates in people -- an organised --  
23 well-organised army would deal with those matters differently, but those  
24 were their next of kin, their closest family and relatives, and only  
25 human reactions could be expected. They did not follow any rules, but

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1 they were still human reactions.

2 And rules did apply. We adhered to the rules, and whenever  
3 somebody broke a rule, there would be an investigation, even of an honest

4 man like this person in question.

5 Q. Can you please look at 3D01719. Now to round off this topic, this  
6 is a proposal to indict by the prosecutor of the Military Court, and I  
7 believe that this was taken even further.

8 A. Yes. This person willfully used HVO units, unbeknownst to the  
9 Main Staff of the HV. Posavina is not specifically mentioned, but I know  
10 that he did that. And I don't know how that all ended. I know that he  
11 was punished in one way or another. And I know that he was hurt by all  
12 the developments, because he also was a volunteer. He was in Sisak when  
13 I was in Sunja. He was a volunteer. He was a soldier. He knew exactly  
14 what discipline was, and everything else. But, you know, there's no  
15 single military where all the commanders obey all the commands. There is  
16 a misperception that a military is something like a firm mechanical  
17 mechanism. This is not true in any military.

18 In America and France, when a war starts, when people start dying  
19 and bleeding, every military experiences lots of problems. I already  
20 shared with you one case that I know from history. General de Gaulle did  
21 not obey Eisenhower's words when he said that his troops would not enter  
22 Paris first. De Gaulle did not like that, and he sent the 3rd Army of  
23 General Leclerc to enter Paris first, out of spite.

24 Well, you know, things are not as simple as they seem on the face  
25 of them. It's not like a laboratory experiment.

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1 Q. Thank you very much. Just for the record, on page 97, line 22,

2 the number of the document that the general has just referred to is  
3 3D01719.

4 We've wrapped up this topic, as far as our examination-in-chief.

5 A. Would you like this 3D1719?

6 Q. Yes, we did that.

7 A. No, we did not.

8 Q. Yes, it is. That's the motion to indict.

9 A. Well, that's Stipetic's.

10 Q. We've dealt with that through "Hrvatski Vojnik," right at the  
11 beginning, so we don't want to repeat ourselves.

12 Our next topic is the assistance of the Republic of Croatia to  
13 the Republic of Bosnia and Herzegovina.

14 I am now in the hands of the Trial Chamber. Should we embark on  
15 this new topic, or should we adjourn now and begin tomorrow morning?

16 JUDGE ANTONETTI: [Interpretation] Well, but for a few minutes,  
17 the moment has come to adjourn. It might be better to start with a new  
18 topic tomorrow. If you don't mind, General, we could move on to a new  
19 topic tomorrow. Is that okay?

20 Very well. As you know, we'll be sitting in the morning  
21 tomorrow. The hearing will start at 9.00.

22 Thank you. The hearing stands adjourned. Good afternoon.

23 --- Whereupon the hearing adjourned at 1.39 p.m.,  
24 to be reconvened on Thursday, the 14th day of May,  
25 2009, at 9.00 a.m.